



Board of Commissioners
Office: (541) 766-6800
Fax: (541) 766-6893

4500 SW Research Way
Corvallis, OR 97333
co.benton.or.us

AGENDA **REV 2**

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, April 4, 2023, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 SW Research Way Corvallis, OR	<i>Click for Zoom link</i>	Dial 1(253) 215-8782	<i>Click for Facebook LiveStream link</i>
	Zoom Meeting ID: 817 2555 4821		
	Zoom Passcode: 590780		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda

3. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

4. Work Session

- 4.1 15 minutes – COVID Update from Department Operation Center – *April Holland, Health Services*
- 4.2 15 minutes – Update from Benton County Talks Trash Solid Waste Process Workgroup – *Darren Nichols, Community Development; Sam Imperati, ICM Resolutions*
- 4.3 10 minutes – Update on Federal Emergency Management Agency (FEMA) Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration – *Toby Lewis, Community Development*

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session. However, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)) and the notice shall state the specific reason for the executive session as required by ORS 192.660.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board of Commissioners Office, (541) 766-6800.

- 4.4 15 minutes – County Administrator Recruitment Update – *Tracy Martineau, Human Resources*

The Board will take a brief recess between the Work Session and Business Meeting

BUSINESS MEETING

5. Consent Calendar

- 5.1 In the Matter of an Application for Owner Change for Country Market & Deli Liquor License
- 5.2 In the Matter of Approving the Minutes of the March 21, 2023 Board Meeting
- 5.3 In the Matter of Approving the Minutes of the June 28, 2022 Information Sharing Meeting
- 5.4 In the Matter of Approving the Minutes of the May 23, 2022 Information Sharing Meeting
- 5.5 In the Matter of Appointment to the Ridgewood Road District: Randy Carver

Public Hearings

(Hearings are heard at 11:00 a.m., time certain or as soon thereafter as the matter may be heard)

Those wishing to speak should sign the “Public Comment” sign-in sheet – Thank you.

- PH 1 In the Matter of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District – *David Malone, Public Works*

7. Old Business

- 7.1 In the Matter of Adopting Order #D2023-039: Findings Approving Revised Conditions of Approval in an Expansion of a Rock Quarry Boundary in Land Use Case No. LU-22-047 – *Inga Williams, Community Development*

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8. New Business

- 8.1 Adoption of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District – *David Malone, Public Works*
- 8.2 Discussion and Acceptance of Starr Creek Road: Right-of-way Dedication and Two Easements – *David Malone, Public Works*
- 8.3 Discussion and Action Regarding Designating a Proxy for Community Services Consortium Governing Board Meetings – *Xanthippe Augerot, Commissioner*
- 8.4 Discussion Regarding Budget Committee Membership Solicitation – *Rick Crager, Financial Services*

9. Departmental Reports and Requests

- 9.1 Approval of the 2022 Agriculture and Wildlife Protection Program (AWPP) Annual Report – *Sheanna Steingass, Public Works*
- 9.2 Letter of Support for Community Outreach, Inc (COI) Good 2 Go Veterans Grant – *Julie Arena, April Holland; Health Department*

10. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

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**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link:

<https://us06web.zoom.us/j/81725554821?pwd=aHd6dUNWWjRnOHZXUkh1Qm1GTThFQT09#success>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, April 4, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Suzanne Hoffman**, Interim County Administrator

Staff: **Julie Arena**, **April Holland**, Health; **Laurel Byer**, **David Malone**, **Sheanna Steingass**, Public Works; **Katie Cooper**, **Dawn Dale**, **Jef Van Arsdall**, Sheriff's Office; **Rick Crager**, Financial Services; **Cory Grogan**, Public Information Officer; **Toby Lewis**, **Darren Nichols**, **Inga Williams**, Community Development; **Amanda Makepeace**, BOC Staff; **Tracy Martineau**, Human Resources; **Erika Milo**, BOC Recorder; **Matt Wetherell**, Juvenile Department

Guests: **Emily Barton**, Community Outreach, Incorporated; **Chris Furney**, Alsea resident; **John Harris**, Horsepower Productions; **Sam Imperati**, ICM Resolutions; **Alex Powers**, Mid-Valley Media

1. Opening:
 1. Call to Order

Chair Malone called the meeting to order at 9:07 a.m.

2. Introductions
 3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

10.1 Alsea Commissioners Corner Attendance – *Xanthippe Augerot, Commissioner*

3. Comments from the Public

Chris Furney, resident, 145 South First Street, Alsea, Oregon: Furney submitted a complaint regarding neighbor John Hutton's eave, which allegedly overhangs a two-foot strip of Furney's property. Furney expressed concerns about obstruction of his driveway, public safety, and zoning, and requested removal of the overhang of Hutton's property at 157 South First Street, Alsea, Oregon.

4. Work Session

4.1 COVID-19 Update from Department Operations Center – *April Holland, Health Services*

Holland reported that as of yesterday, 178 individuals statewide were hospitalized with COVID-19, down from 240 two weeks ago. There are still some challenges with patients boarding in emergency departments. Reported cases continue to be low in Benton County and most of the

state, although this is an undercount due to prevalence of home testing. For the week of March 19, 2023, Benton County had 47 reported cases, about the same as two weeks ago. Benton had 2.7 COVID-19 hospital admissions per 100,000 residents, with about 8.3% of staffed beds in use by COVID-19 patients. Testing positivity is staying steady around 10%. Statewide wastewater testing is holding steady, plateaued, or decreasing. Some new Omicron sub-variants are causing case increases in some other countries. Like previous variants, these will likely be more transmissible, but cause fewer hospitalizations and deaths. Vaccines are the best protection.

Yesterday, Oregon Health Authority (OHA) removed the statewide universal masking requirement in healthcare settings; County Health is aligning with this update. Communications staff will emphasize that COVID-19 remains a serious risk to many. Masks are encouraged, especially for providers, patients, and caregivers in clinical settings. When the Federal public health emergency ends on May 11, 2023, some temporary benefit programs will end. On April 1, 2023, OHA started redetermining Oregon Health Plan (OHP) eligibility. Holland advised all OHP members to update contact information. COVID-19 vaccines and therapeutics will shift to commercialization once the Federal supply is depleted. Responding to questions from Malone, Holland explained that there is no sign of the new sub-variants in the United States yet and no known major spikes in cases. New vaccination guidance is expected in late spring 2023.

4.2 Update from Benton County Talks Trash Solid Waste Process Work Group (WG) – Darren Nichols, Community Development Director

Nichols reported that the WG held its final meeting last night. Members achieved consensus on all of the findings and recommendations and a strong majority on most. Nichols thanked staff, the facilitation team, and WG members. The edited report will be released to the Board and the public on April 11 or 12, 2023. An Open House will be held tonight, and a public comment period will run from April 11-May 26, 2023.

Imperati added that the report should help the County create and implement the Sustainable Materials Management Plan.

The Board thanked everyone involved in the process.

Nichols commented that lessons learned in this process will help the County address other community challenges such as wildfire risk prevention, water planning, and homelessness.

4.3 Update on Federal Emergency Management Agency (FEMA) Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration – Toby Lewis, Community Development

Lewis explained that staff have been working to establish Benton County's Floodplain Administrator (Lewis) as the key point of contact for floodplain-related communication from the Federal Emergency Management Agency (FEMA) and other external agencies. Lewis will provide updates to the Board. There has been recent activity around FEMA's ongoing work on compliance between the NFIP and the ESA. This work began with a 2009 lawsuit indicating that the NFIP was potentially causing take to endangered species. In 2016, a one-year timeline was issued to implement alternatives and mitigation measures, but the scope was too large to implement in Oregon at that time. FEMA was granted a three-year extension and spent 2019-21 working with National Oceanic and Atmospheric Administration (NOAA) fisheries, the Department of Land Conservation, and local communities. The most recent outreach meetings

were held in late 2021, where FEMA presented a draft implementation plan for community review.

The Association of Oregon Counties (AOC) letter (see packet) asks communities to join a coalition against the draft Oregon Implementation Plan. This was in response to a FEMA presentation last month soliciting community feedback on the plan. Plan goals: protect flood storage, water quality, and riparian vegetation. Four options for communities are called paths A-D. Paths A and B are the most likely to be utilized.

- Path A: adopt a blanket model ordinance if there are not such regulations in place.
- Path B: submit an ordinance checklist to FEMA and document which extant regulations address the goals. Small adjustments to regulations might be needed.
- Path C: an approved community compliance plan, developed by local community working with FEMA and NOAA to meet the goal amount of net loss to endangered species habitat.
- Path D: create a Habitat Conservation Plan as outlined in the ESA.

Benton County already meets many of the requirements, and will probably use Path B with few adjustments. The County already prioritizes low-impact development and non-structural approaches to stormwater management. The draft plan does not contain specific measures, just general ideas and examples. Implementation of this process is likely to occur in late 2025. Staff do not think it is necessary to sign the AOC letter at this time.

The Board accepted staff's recommendation not to endorse the letter.

4.4 County Administrator (CA) Recruitment Update – Tracy Martineau, Human Resources

Martineau and Heather Gantz of recruiting firm Raftelis have been contacting internal stakeholders about the CA recruitment process. Gantz is consolidating the input into a brochure to promote the position nationally. Martineau requested confirmation and points of contact for additional groups that the Board previously recommended be contacted for input.

The Board confirmed the following organizations and contacts:

- Oregon Cascades West Council of Governments: Executive Director Ryan Vogt.
- Community Services Consortium: Acting Executive Director Pegge McGuire.
- National Association for the Advancement of Colored People, Corvallis branch: President Jason J. Dorsette.
- Casa Latinos Unidos: Executive Director Ricardo Contreras.
- City Managers of Benton County.

Wyse suggested contacting leadership from Oregon State University (OSU).

Hoffman to provide OSU contact information.

Martineau noted that partner input could also be used to create selection criteria.

Augerot added that Hoffman mentioned Samaritan Health Services (SHS) leadership.

Hoffman recommended contacting SHS Chief Executive Officer Doug Boysen.

Chair Malone recessed the meeting at 9:56 a.m. and reconvened at 10:07 a.m.

5. Consent Calendar

- 5.1 In the Matter of an Application for Owner Change for Country Market & Deli Liquor License
- 5.2 In the Matter of Approving the Minutes of the March 21, 2023 Board Meeting
- 5.3 In the Matter of Approving the Minutes of the June 28, 2022 Information Sharing Meeting
- 5.4 In the Matter of Approving the Minutes of the May 23, 2022 Information Sharing Meeting
- 5.5 In the Matter of Appointment to the Ridgewood Road District: Randy Carver

MOTION: Wyse moved to approve the Consent Calendar of April 4, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Public Hearing

PH 1 In the Matter of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District (PFRD) – David Malone, Public Works

Chair Malone opened the Public Hearing at 11:09 a.m.

Staff Report

D. Malone explained that Mills Creek Road property owners Rex and Karen Burnett petitioned to be in the PFRD; the district has approved the petition. The County notifies the property owner, fire district, and Oregon Department of Forestry of the change. Wildland firefighters are not certified to fight house fires; this is how residents get their houses protected.

Augerot asked if there are other neighbors that are not in the district.

D. Malone replied that most other residents are not. The Burnetts decided to do this independently due to lack of neighbor interest.

Public Comment

No comment was offered.

Chair Malone closed the public hearing at 11:15 a.m.

MOTION: Augerot moved to approve Order #D2023-037 for the annexation of territory into the Philomath Fire and Rescue District by the authority of ORS 198 and ORS 478. Wyse seconded the motion, which **carried 3-0.**

7. Old Business

7.1 In the Matter of Adopting Order #D2023-039: Findings Approving Revised Conditions of Approval in an Expansion of a Rock Quarry Boundary in Land Use Case No. LU-22-047 – Inga Williams, Community Development

Williams explained this Order includes the changes to the preliminary approval conditions and operating approval conditions that the Board approved at the March 21, 2023 Board Meeting, along with the other conditions previously approved by the Planning Commission.

MOTION: Augerot moved to approve Order #D2023-039. Wyse seconded the motion, which **carried 3-0.**

8. New Business

8.1 Adoption of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District – David Malone, Public Works

See PH 1.

8.2 Discussion and Acceptance of Starr Creek Road: Right-of-way Dedication and Two Easements – David Malone, Public Works

D. Malone explained this is part of the County's improvements to connect Starr Creek Road with Hell's Canyon Road as part of the Community Wildfire Protection Plan (CWPP). Both roads were dead ends with many houses on rural timberlands. This is one of the last pieces to be secured. Construction is complete. To finish the section, staff will return to vacate part of the old right-of-way that the County no longer uses.

Wyse asked about public outreach on this project.

D. Malone replied that a past CWPP identified this as an area of wildfire concern. Connecting or improving roads helps residents evacuate and emergency responders access. The County received a Federal grant for this work. Some residents were concerned about connecting these roads because people were dumping trash at the end of Starr Creek Road. The County felt the connection might help; Sheriff's deputies can now travel through the area. The connection is gated on both ends by community request. The County will have to perform some maintenance. Staff notified all residents, and gradually more people seemed favorable. Road improvements encouraged some property improvements, and the dumping problem has improved.

Responding to questions from Chair Malone, D. Malone explained that the gating is because Hells Canyon Road has sub-standard areas that are not safe for high traffic levels. The gates probably have keyed locks; Road Manager Rich Spofford can confirm.

Chair Malone expressed concern about emergency responders not having the right key, and would prefer to remove the gates in future or use a different system.

Augerot noted that most of those neighborhoods have been FireWise communities; in those cases, someone in the community often has a copy of the key.

Chair Malone asked if a way had been found to access gates on the Oak Creek Evacuation Route.

Byer replied that those conversations are still happening, coordinating with the Sheriff's Office and the City of Corvallis.

Chair Malone asked if staff were currently comfortable with having a gated County road, partly due to the need to improve the Hell's Canyon section.

D. Malone was concerned about the gates, but the project would probably have lost community support without that. Portions of Hell's Canyon Road have no room for vehicles to pass.

MOTION: Augerot moved to accept the right-of-way dedicated to Benton County for road and utility purposes; to accept the slope easement granted to Benton County; and to accept the drainage way and culvert easement granted to Benton County by Franklin-Clarkson Timber Company, LLC, a Delaware limited liability company, all for Starr Creek Road, County Road No. 35300. Wyse seconded the motion, which **carried 3-0.**

8.3 Discussion and Action Regarding Designating a Proxy for Community Services Consortium (CSC) Governing Board Meetings – *Xanthippe Augerot, Commissioner*

Augerot explained that it is often difficult to achieve a quorum at CSC meetings. Per the bylaws, each County must designate a proxy in case of absence. The last meeting did not have a quorum, and none of the Counties had designated a proxy. Augerot recommended appointing Acting Public Health Director April Holland, since CSC functions are closely linked to Public Health. If a Commissioner will be absent, be sure to notify Holland and Marriah De La Vega, Board's Office, as soon as possible. The proxy can stand in for any of the Benton County Commissioners. Augerot and other members preferred this method to appointing a proxy on the fly.

MOTION: Augerot moved to appoint April Holland as Benton County's proxy on the Community Services Consortium Governing Board when so requested by the Board of Commissioners. Wyse seconded the motion, which **carried 3-0.**

8.4 Discussion Regarding Budget Committee Membership Solicitation – *Rick Crager, Financial Services*

Crager explained that a citizen member of the Budget Committee resigned last week. By law, the Committee must have equal numbers of citizens and Commissioners. However, it is possible to begin budget meetings with only five members. Budget meetings are scheduled to begin on April 18, 2023; a replacement must be identified within about a week. The first hearing could potentially be delayed, although Crager would prefer not to.

Augerot felt that advertising (as opposed to simply appointing) the position is instrumental for transparency and public participation. Several email lists have been fruitful in the past, including the Corvallis Sustainability Coalition. To balance current membership, Augerot favored recruiting a woman, and a person of racial diversity, if possible. The appointee must understand the time commitment.

Wyse also preferred to advertise the position, and suggested notifying Benton County Talks Trash Work Group members and past committee applicants.

Malone did not favor postponing the initial meeting. While six people is the goal for the first meeting, it is possible to proceed without all three community members if necessary.

Crager stated that the last posting date to be in legal compliance is April 11, 2023; Crager and Grogan can work to post the position earlier. Crager asked if a candidate identified next week could be appointed on on April 18, 2023.

Counsel confirmed. While the Board typically makes formal decisions at Board Meetings, the Board may add an agenda item at any public meeting that is noticed. A committee member can legally miss one meeting as long as they review the materials in time to vote.

Wyse emphasized that the candidate be able to attend the meetings.

9. Departmental Reports & Requests

9.1 Approval of the 2022 Agriculture and Wildlife Protection Program (AWPP) Annual Report – *Sheanna Steingass, Public Works*

Steingass reported that the AWPP awarded six grants in 2022; four projects were completed. Since wildlife incidents do not always align with the application cycle, and AWPP tends to have leftover funds, staff designated \$5,000 for emergency grants that can be applied for at any time. The funds had been beaver-specific, but no beaver conflicts were submitted last year. In 2022, United States Department of Agriculture (USDA) Wildlife Services received new funds for partner governments for nonlethal beaver management, possibly to include a full-time position to assist the County. AWPP can continue to provide year-round nonlethal beaver management funds. The AWPP Committee met with the National Oceanic and Atmospheric Administration (NOAA) and Oregon Department of Fish & Wildlife (ODFW). ODFW received many beaver notices which were not relayed to Steingass; hopefully communication will improve. Steingass has transferred applications and forms online, which should reduce staff work and increase reporting compliance. Steingass will do outreach at farmer's markets and the Benton County Fair. Steingass purchased a small drone with USDA funds for outreach and environmental assessments. It can be hard to undertake AWPP projects during the winter, so staff are shifting the application period from November to October, approving grants in November, then allowing recipients to complete projects between January and May. Emergency grants provide a buffer for that shift. Steingass secured \$5,000 to make a short informational film about the AWPP.

Augerot noted that residents Randy and Pam Comeleo have been working on statewide legislation for nonlethal beaver management, but the bill did not survive the first cutoff.

Steingass shared that Speaker Dan Rayfield supports the project, and the USDA beaver program will be statewide. USDA Wildlife Services trapper Landon Schacht picked up several dead deer and responded to many coyote issues in Benton County. Byer and Steingass met with USDA District Supervisor Brian Thomas; the County's next contract will be about the same amount. It has been difficult for USDA to compile reports; instead, Schacht and Steingass will touch base quarterly and Steingass will compile the report. Deer pickups will be reported as previously.

Augerot commented it will be good to have better data on the trapping program. Augerot recommended inviting Steingass and possibly Randy and Pam Comeleo to speak at an Association of Oregon Counties Natural Resources Committee meeting to raise awareness.

MOTION: Augerot moved to approve the 2022 Agriculture and Wildlife Protection Program Annual Report. Wyse seconded the motion, which **carried 3-0.**

9.2 Letter of Support for Community Outreach, Inc (COI) Good to Go Veterans Grant – Julie Arena, April Holland, Health Department; Emily Barton, COI

Arena explained that this grant aligns with two of the Home, Opportunity, Planning, & Equity Advisory Board recommendations accepted by the Board and the City of Corvallis. The grant funds staff needed to help people transition out of homelessness and stay housed.

Barton requested a letter of collaboration as part of the application. The opportunity is called Grants Per Diem Case Management, and would support COI's Good to Go (GTG) veterans program. COI has received the grant in the past. Case managers work with veterans experiencing trauma and/or at risk of houselessness, helping clients access COI services such as housing, medical, behavioral health, and broader community services. GTG also provides case management for veterans who have recently become stably housed. The grant application is due May 4, 2023.

Augerot asked if COI was aligned with the County's Veterans Services Office (VSO) through Oregon Cascades West Council of Governments (COG).

Barton confirmed, and will solicit a letter of support from COG also.

MOTION: Wyse moved to approve and sign the Letter of Support for the Community Outreach, Incorporated Good to Go program for veterans. Augerot seconded the motion, which **carried 3-0.**

Augerot noted that the VSO is not a COG program; the County contracts with COG and funds it. The County needs to select a staff point person for the VSO to report to; Augerot has performed that role de facto.

10. Other

10.1 Alsea Commissioners Corner Attendance – Xanthippe Augerot, Commissioner

Augerot asked which Commissioner would attend the April 17, 2023 Alsea Commissioners Corner event, which will include Lincoln County Commissioner Kaety Jacobson.

The Board determined that Augerot would attend this time; Malone and Wyse to attend in future.

11. Adjournment

Chair Malone adjourned the meeting at 11:31 a.m.

DocuSigned by:

 05666320C1A2400...
 Pat Malone, Chair

DocuSigned by:

 736EA4FEB0B0496...
 Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

WORK SESSIONS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * Work Session

Department * Board of Commissioners

Contact Name * Darren Nichols

Phone Extension * 5417666394

Meeting Attendee Name * Darren Nichols, Sam Imperati

Agenda Item Details



Item Title * Benton County Talks Trash Solid Waste Process Workgroup Update

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☒ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☒ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement * ☒ Yes ☐ No

**Name of
Board/Committee**

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

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Item Issues and Description

Identified Salient Issues *

Community-member driven workgroup process designed to provide common understandings of key components of solid waste and sustainable materials management, and disposal, including Coffin Butte landfill.

Options *

Informational item; Board may ask questions or provide additional direction to staff and the process facilitator.

Fiscal Impact *

☐ Yes
☒ No

Mandated
Service? *
☐ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

- Select all that apply.
- ☒ Vibrant, Livable Communities
 - ☒ Supportive People Resources
 - ☒ High Quality Environment and Access
 - ☒ Diverse Economy that Fits
 - ☒ Community Resilience
 - ☒ Equity for Everyone
 - ☐ Health in All Actions
 - ☐ N/A

Explain Core Values

Solid waste management and disposal impact nearly every aspect of life for Benton County residents, businesses and visitors. Therefore, Solid Waste Management and the future of Sustainable Materials Management are integral to the Core Values of the 2040 Healthy Communities Initiative.

Focus Areas and Vision *

- Select all that apply.
- ☒ Community Safety
 - ☒ Emergency Preparedness
 - ☐ Outdoor Recreation
 - ☒ Prosperous Economy
 - ☒ Environment and Natural Resources
 - ☒ Mobility and Transportation
 - ☒ Housing and Growth
 - ☐ Arts, Entertainment, Culture, and History
 - ☒ Food and Agriculture
 - ☐ Lifelong Learning and Education
 - ☐ N/A

Explain Focus Areas and Vision *

Solid waste management and disposal impact nearly every aspect of life for Benton County residents, businesses and visitors. Therefore, Solid Waste Management and the future of Sustainable Materials Management are integral to the Core Values of the 2040 Healthy Communities Initiative.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations* Hear project update(s), ask questions and provide direction as appropriate.

Work Session
Motions* I move to ...
Information only; no motion needed.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

SUZANNE HOFFMAN

1.

Department Approval

Comments

Signature

Suzanne Hoffman

2.

Counsel Approval

Comments

Signature

Vance H. Chokey

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * Work Session

Department * Community Development

Contact Name * Toby Lewis

Phone Extension * 6296

Meeting Attendee Name * Toby Lewis

Agenda Item Details



Item Title * Update on FEMA Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration

Item Involves *

Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☒ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Federal Emergency Management Agency (FEMA) has initiated the next phase of work toward compliance between the National Flood Insurance Program (NFIP) in Oregon and the Endangered Species Act (ESA).

As part of ongoing inter-agency efforts at FEMA, NOAA-Fisheries, and the Oregon Department of Land Conservation and Development (DLCD) to engage and work with Oregon communities, FEMA held an information session on March 1, 2023.

At the information session, FEMA representatives:

- Provided an update on the NFIP-ESA project,
- Provided an overview of the draft "Oregon Implementation Plan for NFIP-ESA Integration" and how to access the plan, and
- Requested that communities continue to carefully review the plan and provide constructive feedback, particularly relating to words or terms that may be unclear, standards that may be unclear or difficult to implement, and suggestions for how to improve the proposed wording.

Activity since FEMA's informational session:

- March 16, 2023 - Association of Oregon Counties (AOC) and League of Oregon Cities (LOC) issued a joint letter on this issue.
- March 28, 2023 - AOC hosted a virtual meeting to discuss "the Oregon NFIP Biological Opinion, FEMA's Draft Implementation Plan, and the ongoing NEPA environmental review process".

Options *

Information only.

Fiscal Impact *

- ☐ Yes
- ☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☒ Vibrant, Livable Communities
- ☒ Supportive People Resources
- ☒ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☐ Equity for Everyone
- ☒ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

In addition to being required, implementing regulations to protect endangered species habitat helps ensure the health of the environment which protects and benefits aquatic species, improves vegetation and land health, and encourages healthy interactions between humans and the environment.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☒ Outdoor Recreation
- ☐ Prosperous Economy
- ☒ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

Improved riparian and floodplain habitat functionality provides environmental and natural resource benefits as well as maintaining natural areas for outdoor recreation and enjoyment.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations *

Benton County's Floodplain Program Administrator will continue to monitor this project and will engage with FEMA, DLCD, and NOAA-Fisheries to provide constructive feedback at relevant points and encourage other communities to do the same. The Floodplain Program Administrator will update the Board of any relevant changes in the Floodplain program, including any changes to the NFIP.

Work Session

Motions *

I move to ...

Information only. No motion required.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Oregon BiOP_AOC Communication.pdf

212.37KB

Comments (optional) The draft "Oregon Implementation Plan for NFIP-ESA Integration" is available online at:

https://www.fema.gov/sites/default/files/documents/fema_draft-oregon-implementation-plan_10052021.pdf

Additional information about the project is available on the FEMA Region X website:

<https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>

If you have any questions, please call ext.6800

**Department
Approver**

DARREN NICHOLS

1.

Department Approval

Comments

Signature

Darren Nichols

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amanda Makepeace



March 16, 2023

Re: Implementation of National Marine Fisheries Services (NMFS) – FEMA Bi-Op in Oregon

Counties and Cities:

We are writing to invite you to join a new coalition that is forming in response to efforts by the Federal Emergency Management Agency (FEMA) to make changes to the National Flood Insurance Program (NFIP) in Oregon. FEMA sets floodplain development standards that local governments must adopt to participate in the NFIP. In 2016, the NMFS issued a Biological Opinion (Bi-Op) stating that FEMA's implementation of the NFIP in Oregon, and particularly its floodplain development standards, are causing jeopardy to certain threatened and endangered species in Oregon.

This BiOp was issued to FEMA following a federal lawsuit. FEMA has told Oregon cities and counties that if they do not implement these changes to their local floodplain development programs, communities will no longer be eligible for federal disaster assistance, and individuals and businesses in those communities would not be able to purchase National Flood Insurance Program (NFIP) policies.

This is a very significant threat to Oregonians. Many of the mandatory program changes that FEMA has signaled threaten the viability of our communities and are *inconsistent* with existing Oregon land use priorities and programs. These regulatory changes would affect what land could be developed, how land could be developed, and corresponding land values and tax revenues. Implementation of these new regulations will place communities at risk of takings claims and lawsuits from landowners who are forced into compliance. FEMA has stated that they will not provide support for communities defending against these suits.

At the end of last year, many of you signed on to letters that asked members of Oregon's federal delegation to delay implementation of these changes to Oregon's floodplain standards. Unfortunately, Congress did not act in time and FEMA is now starting the environmental review process to evaluate its planned changes to the NFIP in Oregon. FEMA issued the Notice of Intent, beginning the environmental review process on March 6, 2023. 88 Federal Register 13841 (March 6, 2023). <https://www.federalregister.gov/documents/2023/03/06/2023-04495/notice-of-intent-to-prepare-an-environmental-impact-statement-for-oregon>. **Scoping comments are due no later than May 5, 2023.**

FEMA's Draft Implementation Plan, issued in October 2021, outlines the dramatic changes FEMA plans to require to Oregon's city and county floodplain regulations. These implementing regulations focus on prohibiting or severely limiting new development in mapped areas of special flood hazard and imposing a "no net loss of flood storage" requirement.

https://www.fema.gov/sites/default/files/documents/fema_draft-oregon-implementation-plan_10052021.pdf.

UNITED COUNTIES. UNITED OREGON.

1212 Court St. NE | Salem, OR 97301-4181 | 503.585.8351 | www.oregoncounties.org

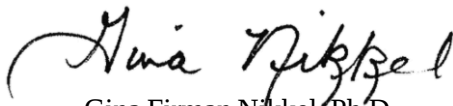
As stated in the Notice of Intent, FEMA plans to hold several scoping meetings in Oregon (in person and virtual) between now and the scoping comment deadline (May 5, 2023). Tillamook County is inviting city and county elected officials and/or planning directors to join us for a virtual meeting to learn about the Oregon NFIP Biological Opinion, FEMA's Draft Implementation Plan, and the ongoing NEPA environmental review process. **This meeting will be held virtually on March 28, 2023, from 3:00-4:30 pm:** [Click here to join the meeting](#). To call in, please dial 971-254-3149 with ID# 977 100 909#.

Our goal is to pull together a coalition comprised of city and county representatives to participate as a collective voice in the NEPA environmental review process and to hopefully change FEMA's Implementation Plan to reduce burdens to local communities.

It is our hope that you will consider joining us in our efforts to participate as a collective voice in the NEPA environmental review process to advocate for local communities from the devastating effects of FEMA's Draft Implementation Plan. We encourage you to share this meeting invitation with fellow city and county elected officials and planning directors.

We look forward to visiting with you all on March 28, 2023.

Regards,



Gina Firman Nikkel, Ph.D.
Executive Director, AOC
503-930-0349
gnikkel@oregoncounties.org



David Yamamoto
County Commissioner, Tillamook County
503-701-1235
dyamamoto@co.tillamook.or.us



Patricia M. Mulvihill
Executive Director, League of Oregon Cities
971-428-7271
pmulvihill@orcities.org

CONSENT CALENDAR

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☐ ☒ ☐ ☐ ☐

Select the license type you are applying for.

More information about all license types is available

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☐ Limited On-Premises

☒ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Benton County

Date application received: *March 10, 2023*

Optional: Date Stamp

☐ Recommend this license be granted

☐ Recommend this license be denied

DocuSigned by:

Pat Malone

04/04/2023

Pat Malone, Chair

Date



OREGON LIQUOR & CANNABIS COMMISSION LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. Collect the application from the local government **after** the recommendation has been provided.
4. **Email the application that contains the local government recommendation** to
5. **Do not** include any license fees with your application packet (fees will be collected at a later time). *When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.*

Options - Please see the general definitions of the license request options below:

- : The licensing of a business that does not currently hold an active liquor license.
- : The request to completely change the licensee of record at a licensed business.
- : The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- : The request to replace a Full On-Premises sales license with a Limited On-Premises sales license.
- : The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review _____ for the definitions of "applicant" and "licensee" and _____ to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the _____ on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below _____ area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email _____

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:
P169 LLC

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
COUNTRY MARKET & DELI

Premises street address (The physical location of the business and where the liquor license will be posted):
310 NW 53RD STREET

City:
CORVALLIS

Zip Code:
97330

County:
BENTON

Business phone number:
541-757-1196

Business email:
CURIM@NAVER.COM

Business mailing address (where we will send any items by mail as described in):
310 NW 53RD STREET

City:
CORVALLIS

State:
OR

Zip Code:
97330

Does the business address currently have an OLCC liquor license? ☒ Yes ☐ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☒ Make changes regarding this license/application on my behalf.

☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name: KENNETH HO

Phone number:
971-563-3023

Email:
KEN@KHOCPA.COM

Mailing address:
9880 SW BEAVERTON-HILLSDALE HWY STE 203

City:
BEAVERTON

State:
OR

Zip Code:
97005

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name: KENNETH HO

Phone number: 971-563-3023

Email: KEN@KHOCPA.COM

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

YOUNGMI LEE

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

IMPORTANT: Please read Oregon Administrative Rule (OAR) 845-005-0311 before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

COUNTRY MARKET & DELI

Business Trade Name (the name customers see)

310 NW 53RD ST CORVALLIS OR 97330

Business Address (street, city, zip code)

Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION

All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☐ | ☒ | ☐ | ☐ | ☐

Select the license type you are applying for.

More information about all license types is available

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☐ Limited On-Premises

☒ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Benton County

Date application received: March 10, 2023

Optional: Date Stamp

☐ Recommend this license be granted☐ Recommend this license be denied

X

Pat Malone, Chair

Date



OREGON LIQUOR & CANNABIS COMMISSION LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. Collect the application from the local government **after** the recommendation has been provided.
4. **Email the application that contains the local government recommendation to**
5. **Do not** include any license fees with your application packet (fees will be collected at a later time). *When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.*

Options - Please see the general definitions of the license request options below:

- : The licensing of a business that does not currently hold an active liquor license.
- : The request to completely change the licensee of record at a licensed business.
- : The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- : The request to replace a Full On-Premises sales license with a Limited On-Premises sales license.
- : The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review _____ for the definitions of "applicant" and "licensee" and _____ to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the _____ on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below _____ area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email _____

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:
P169 LLC

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
COUNTRY MARKET & DELI

Premises street address (The physical location of the business and where the liquor license will be posted):
310 NW 53RD STREET

City:
CORVALLIS

Zip Code:
97330

County:
BENTON

Business phone number:
541-757-1196

Business email:
CURIM@NAVER.COM

Business mailing address (where we will send any items by mail as described in):
310 NW 53RD STREET

City:
CORVALLIS

State:
OR

Zip Code:
97330

Does the business address currently have an OLCC liquor license? ☒ Yes ☐ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- ☒ Make changes regarding this license/application on my behalf.
☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name: KENNETH HO

Phone number:
971-563-3023

Email:
KEN@KHOCPA.COM

Mailing address:
9880 SW BEAVERTON-HILLSDALE HWY STE 203

City:
BEAVERTON

State:
OR

Zip Code:
97005

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is <u>not</u> an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.	
Application Contact Name: KENNETH HO	
Phone number: 971-563-3023	Email: KEN@KHOCPA.COM

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

YOUNGMI LEE

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

IMPORTANT: Please read Oregon Administrative Rule (OAR) 845-005-0311 before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

COUNTRY MARKET & DELI

Business Trade Name (the name customers see)

310 NW 53RD ST CORVALLIS OR 97330

Business Address (street, city, zip code)

Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION

All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link:

<https://us06web.zoom.us/j/85964330391?pwd=NIhwT2NZYkIQOGVhbThzRnNWWXFvdz09;%C2%A0Meeting>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, March 21, 2023

9:00 a.m.

- Present:** Pat Malone, Chair; Xanthippe Augerot, Commissioner; Nancy Wyse, Commissioner; Vance Croney, County Counsel; Suzanne Hoffman, Interim County Administrator
- Staff:** Julie Arena, HOPE Project Manager; Rick Crager, Finance; Cory Grogan, Public Information Officer; April Holland, Health; Amanda Makepeace, BOC Staff; Erika Milo, BOC Recorder; Darren Nichols, Inga Williams, Community Development; Jef Van Arsdall, Sheriff
- Guests:** George Foster, Tracy Foster, Kevin Kenaga, Debbie Palmer, residents; John Harris, Horsepower Productions; Joel Kalberer, attorney; Sam Imperati, ICM Resolutions; Rachael Maddock-Hughes, Sequoia Consulting

1. Opening:

1. Call to Order

Chair Malone called the meeting to order at 9:38 a.m.

2. Introductions

3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

8.1 Addressing the Community Landfill Petition and the Solid Waste Advisory Committee (SWAC) Request to Resume Meetings – *Vance Croney, County Counsel; Darren Nichols, Community Development*

8.2 Discussion of Pending Legislation Senate Bill 847-5 & House Bill 2001-B Regarding Housing and Homelessness – *Xanthippe Augerot, Commissioner*

3. Comments from the Public

Kevin Kenaga, resident: Kenaga expressed concerns about the Coffin Butte Landfill (CBL) 20-year contract with the County and upcoming Conditional Use Permit (CUP) application. Before signing the contract, the County should have secured an independent cost-benefit analysis of hosting a regional landfill, an independent environmental impact study of present and future impacts, and a Sustainable Materials Management Plan (SMMP). These items are needed before approving a CUP.

4. Work Session

4.1 COVID Update from Department Operation Center – April Holland, Health Services

Holland reported that as of March 15, 2023, 222 individuals were hospitalized with COVID-19 statewide, about 10 fewer than two weeks ago. As of yesterday, 173 people statewide were boarding (waiting for a hospital bed), down 11% from two weeks ago. Reported cases continue to be low in Benton County and most of the state; few cases are being reported due to widespread use of rapid antigen tests at home. Around March 15, 2023, the County had 50 reported COVID-19 cases, for a seven-day rate of 53 per 100,000 residents. The County has 1.8 new COVID-19 hospital admissions per 100,000 residents, down from 4.5 two weeks ago; 2.5% of staffed beds are in use for COVID-19 patients, down from 3%. Testing positivity fell last week from 14.5% to 10%. Wastewater signals have mainly leveled off statewide and are decreasing in the City of Corvallis. Oregon Health Authority (OHA) will no longer require masking in healthcare facilities as of April 3, 2023; staff are getting messaging out to community partners. Benton County will follow this guidance. Exceptions include providers of services for severely immune-compromised individuals, including cancer treatment centers. Public Health still recommends wearing a mask in healthcare settings, when sick, or around vulnerable individuals.

The bivalent Pfizer COVID-19 booster has been approved for children aged six months to four years, now available at provider offices. The Federal COVID-19 emergency declaration ends April 7, 2023; some benefits will be phased out. The Public Health emergency ends May 11, 2023. February 2023 was the last month of emergency food benefits. On April 1, 2023, OHA will begin re-determining Oregon Health Plan eligibility. There will be changes in funding for vaccines and therapeutics, which will become commercialized once the Federal supply is depleted. This will likely occur early in fall 2023 for vaccines and by the end of 2023 for therapeutics. Some brands of therapeutics are already commercially available. OHA and the County will need funds to purchase these items to ensure equitable access. OHA will estimate what is needed once prices are known, and has requested an operational guide for these products.

Malone asked if COVID-19 boosters were likely to be recommended in the fall, around the same time as influenza vaccines.

Holland confirmed there is likely to be more alignment with the respiratory virus season and simplified recommendations. There have been no changes to existing recommendations yet.

Malone asked if there was a combined influenza and COVID-19 vaccine.

Holland was not aware of one. There are combined tests, and there might be a recommendation to get both vaccines at the same time. There have been promising trials on respiratory syncytial virus vaccines for older adults.

4.2 Update from Benton County Talks Trash (BCTT) Solid Waste Process Workgroup (WG) – Darren Nichols, Community Development

Nichols provided an update on the BCTT WG schedule:

- March 17, 2023: public survey about report draft five opened; resulting data in draft six.
- March 21, 2023: WG members receive draft six and complete a survey on their level of agreement with the findings.
- March 23, 2023: last full WG meeting, with two extended public comment periods. The Board will attend. Any remaining disagreements will be presented as part of the findings.

There is substantial agreement now. Past and present WG and subcommittee members can submit a personal statement for the final report by April 1, 2023.

- March 27-31, 2023: WG subcommittee members will be on call for clarifications.
- April 3, 2023: final contents-only report delivered to the Board and the public.
- April 4, 2023: open house on the report, beginning a public comment period through May 26, 2023.
- April 18, 2023: polished report will be formally presented to the Board.

Substantial public outreach has included a mailer sent to every County property. Nichols anticipated completing the work on schedule, and emphasized that for the first time ever, the County has a thorough history of Coffin Butte Landfill, a list of issues, community perspectives, and historical documents all in one place.

4.3 Budget Discussion: Benton County Talks Trash Solid Waste Process Workgroup – Darren Nichols, Community Development

Nichols explained that as the scope of the BCTT project expanded, the budget has expanded. In January or early February 2023, work time almost doubled, with Imperati and team spending more time in active mediation, not just facilitation. The Board-approved budget was \$153,000; the project passed that amount in mid-February 2023. Now there is a much clearer estimate of remaining costs. The complete budget for the project through June 2023 will be \$236,404.84. Factors in the increase:

- Fees for community-based legal counsel, which was added to represent the public on the Legal and Land Use Subcommittee.
- Complexity of the project and level of conflict.
- Personal family matters for Nichols, which required Imperati and team to perform more project management duties.
- Expansion of the project, largely due to requests of the WG members.
- Additional public outreach, engagement, and surveys, which required additional coordination with the facilitators to ensure consistent messaging.

Nichols concluded that participants feel the project is important and needs to be completed.

Wyse asked if the BCTT budget has been publicly shared, as requested by a member of the public at a previous Board Meeting.

Nichols replied that invoices through February 2023 were shared with the WG and on the public County website.

Wyse asked if there was an alternative if the Board did not provide the funding.

Nichols did not have an alternative and did not recommend that approach.

Wyse explained that the question served to highlight that the County does not have many other options, and needs to finish the work. Wyse asked if this budget is still a very small percentage of landfill revenue.

Nichols confirmed this budget represents about 5-10% of one year's revenue.

Augerot agreed this was a small fraction of landfill revenue; the County should have invested some funds for this each year, instead of all at once. Augerot supported finishing the project.

Malone stated this project is an investment and a roadmap. Most of the increase has already been incurred, requiring about \$25,000 to finish up.

Wyse noted that Imperati has discounted fees by \$20,400 so far. Wyse asked if this is the last BCTT budget expansion.

Nichols affirmed.

Imperati affirmed, and will continue to discount remaining bills by 8-9%.

MOTION: Augerot moved to approve the additional sum of \$83,405 to account for the remainder of the Benton County Talks Trash project. Wyse seconded the motion, which **carried 3-0.**

5. Consent Calendar

5.1 In the Matter of Approving the Minutes from the March 7, 2023 Board Meeting

Wyse noted a correction to the March 7, 2023 minutes: on page six of eight, “protect rural character and keep density cities” should read “protect rural character and keep density in cities.”

MOTION: Wyse moved to approve the Consent Calendar of March 21, 2023 with the correction as noted. Augerot seconded the motion, which **carried 3-0.**

6. Public Hearing

PH 1 In the Matter of a Public Hearing to Close Out a Community Development Block Grant (CDBG) Childcare Scholarship Project – Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting

Chair Malone opened the Public Hearing at 11:00 a.m.

Crager explained that the Public Hearing is part of the requirements for receiving the CDBG award. Notice was posted as required in English and Spanish.

Maddock-Hughes read the report aloud in English.

Makepeace read the report aloud in Spanish.

Public Comment

No comment was offered.

Chair Malone recessed PH 1 at 11:07 a.m.

PH 2 In the Matter of a Public Hearing to Close Out a Community Development Block Grant (CDBG) Food Assistance Project – Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting

Chair Malone opened PH 2 at 11:07 a.m.

Maddock-Hughes noted an error in the public hearing notice as published: “56,000 persons” should read “46,000 persons.” Maddock-Hughes read the report aloud in English.

Makepeace read the report aloud in Spanish.

Public Comment

No comment was offered.

Chair Malone recessed PH 2 and reconvened PH 1 and PH 2 into a joint Public Hearing at 11:13 a.m.

Maddock-Hughes gave a presentation on CDBG COVID-19 relief funding. Benton County received:

- \$250,000 for childcare, plus \$50,000 from the Ford Family Foundation, providing scholarships for 126 children of low- to moderate-income families to attend childcare, after school, or school break programs. The County partnered with United Way. The grant ran from January 2022-March 2023. Challenges: Housing & Urban Development bureaucracy and paperwork made it difficult for some families to apply; the reimbursement-based program was difficult for childcare organizations; this is one-time funding.
- \$250,000 for the Linn-Benton Food Bank, providing a refrigerated truck and food from February 2022-March 2023. Nearly 50,000 people in both counties benefited. Challenges: equipment procurement delays due to supply chain issues.
- \$485,000 for housing. The County partnered with DevNW. The grant runs from September 2022-September 2023.

Maddock-Hughes shared positive feedback from grantees. Childcare costs continue to be a challenge for many families. There is more need than this program was able to meet. Staff recommend that the County continue this program if other funding can be sourced.

Crager added that the American Rescue Plan Act and CDBG offer about \$90,000 for affordable housing and homelessness prevention. The County had difficulty spending all childcare assistance funds by April 1, 2023; however, Business Oregon has provided more flexibility.

Maddock-Hughes shared that the remaining funding was because one of the childcare grantees could not use the funding within the time limit.

Augerot noted that CDBG funds are challenging to administer, but benefit community organizations and families who need the support.

Malone concurred and asked about future funding prospects for these programs.

Maddock-Hughes and Crager had discussed that some County funding may be available, depending on several other projects. It is worthwhile to seek funding for people who are asset limited/ income constrained/ employed, but are above the State level for receiving assistance. Maddock-Hughes recommended working with a research partner such as Oregon State University or the Brookings Institute to demonstrate long-term impact.

Crager added this can be discussed with the Board during the budget process. Childcare is a County priority. Oregon Community Foundation has provided opportunities through State legislative appropriations, which could be pursued with the County lobbyists.

Augerot will meet with staff from Early Learning Hub, who want to partner with businesses and state agencies to offer daycare programs at job sites.

MOTION: Wyse moved to accept both reports as presented. Augerot seconded the motion, which **carried 3-0.**

Chair Malone closed PH 1 and PH 2 at 11:32 a.m.

PH 3 In the Matter of a Public Hearing for a Land Use Appeal: Foster – Darren Nichols, Community Development

Staff report

Nichols explained this is an appeal of a land use approval, which allows the County to revise the conditions of approval. On January 17, 2023, the Planning Commission (PC) approved expansion of the quarry with certain restrictions to protect water quality in a stream. Later, quarry owner-operators George and Tracy Foster discovered that the stream was not mapped correctly. Community Development staff visited the site on March 3, 2023. The quarry is an important resource for the Community of Alsea, but protecting water quality is also important. Staff suggested an alternative way to protect water resources while allowing the quarry to operate. The Oregon Department of Geology and Mineral Industries (DOGAMI) already monitors stream runoff; applicants are also required to do third-party testing; a three-part settling area is working well. The applicant will continue to provide test results; if testing does not meet standards, the County can inspect and, if necessary, close the quarry until steps are taken. The applicants also mentioned a complaint about noise monitoring. The nearest houses are about half a mile away from the quarry. Under initial conditions, anyone could file a noise complaint; applicants asked to limit this to surrounding neighbors.

Responding to a question from Wyse, Counsel confirmed this is a de novo hearing.

Augerot was glad to see the letter of support from Steve Trask, a statewide expert on salmonids.

Nichols added that Trask is a near neighbor of the quarry.

Wyse asked about improperly handled waste materials and pollutants mentioned in sub-packet 1.

Nichols explained these were prior conditions that the Fosters cleaned up. When staff visited the site, the waste material and equipment had been removed, and erosion conditions and oil contamination had been cleaned up.

Public Comment

G. Foster explained that the prior operator had a great deal of equipment and had limited time to remove material from the property. After the 2019 DOGAMI report, the Fosters cleaned up the material within 30 days and received a clean bill of health from the Department of Environmental Quality (DEQ).

Kalberer, counsel to the Fosters, explained that this quarry serves the Alsea area for roads, driveways, and forestry uses. The quarry is almost played out as currently delineated by DOGAMI, which requires land use approval before the Fosters can request expansion. The Fosters met all conditions of approval under the ordinance; there are no adverse impacts to adjacent uses; the only issue remaining was water quality. The stream is monitored under a

National Pollution Discharge Elimination System permit with DOGAMI and DEQ. Trask has indicated this quarry operation does not present a concern for fish and wildlife habitat.

Wyse asked about the employee daily checklist for the quarry (see packet).

G. Foster explained that the Fosters' employee monitors the ponds. The stream is seasonal and is monitored daily, with weekly checks and a monthly report to DOGAMI.

The Board declared having no ex parte contacts or conflicts of interest in this matter.

Wyse noted that in the PC minutes, Commissioner Evelyn Lee amended the motion to include that the conditions of approval apply to the property and future property owners, but apparently that is already included.

Counsel confirmed that the conditional use permit goes with the property and lasts only as long as the operation lasts. If the owners sell the quarry and there is a one-year break before more quarry operations, the permit expires.

MOTION: Augerot moved to approve the applicants' appeal of the Planning Commission's decision and modify the conditions of approval as proposed in the attached memorandum. Wyse seconded the motion, which **carried 3-0.**

Malone closed the Public Hearing at 11:54 a.m.

7. Old Business

7.1 In the Matter of Adopting Order #D2023-036: Findings Approving A Farm-Help Dwelling in Land Use Case Number LU-22-023 – *Vance Croney, County Counsel*

Counsel explained this is the Order returned from the February 21, 2023 land use hearing, the Jordan-Crosby appeal of the Planning Commission's denial of a relative farm-help dwelling. The matter centered on changes in State law regarding clear and objective standards for needed housing properties. The Board concluded that the Benton County Code definition of a commercial farm operation is not defined and is not unambiguous; the Board approved the applicants' request to overturn the denial and approve the application. The findings, conclusion, and Order were initially drafted by the applicants' attorney; staff have edited the Order to more closely align with the Board's decision.

MOTION: Wyse moved to adopt Order #D2023-036 adopting the findings approving a farm-help dwelling in Land Use Case #LU-22-023. Augerot seconded the motion, which **carried 3-0.**

8. Other

8.1 *Addressing the Community Landfill Petition and the Solid Waste Advisory Council (SWAC) Request to Resume Meetings – *Vance Croney, County Counsel; Darren Nichols, Community Development*

Counsel explained that SWAC has asked several times that the Board re-institute its meetings. The Board has indicated that discussions relating to solid waste should be focused at the BCTT One Table. The Board may also consider a response to an online community petition that would

ask the Board not to make any decisions on a Conditional Use Permit application from Republic Services (RS) until a Solid Waste Management Plan (SWMP) is adopted. The petition has not been filed yet. The request would put the Board in a potential conflict with State law, which requires that land use decisions be made within 150 days. The Board has no legal authority to impose a moratorium on a decision about land use applications from RS. Staff request a Board position statement to address this misunderstanding of Board limitations.

Nichols added that while the County should have had a SWMP decades ago, and is working towards that, there are still legal constraints. If the Board delayed taking action on any land use application, the applicant could after 150 days file with Circuit Court for a writ of mandamus. The Court can compel that action or make the decision for the County, which could negate community input on the topic.

Wyse suggested that the Board read the draft statement by Counsel (exhibit 1) aloud, ask staff to disseminate the statement, and move to approve the statement.

Malone read the statement aloud.

MOTION: Wyse moved to accept the statement as the Board's formal position on the community petition, and direct staff to disseminate it through the County's regular communication channels. Augerot seconded the motion, which **passed 3-0.**

Nichols explained that SWAC has met monthly with its two appointees to the BCTT Work Group (WG), who serve as liaisons between the groups. After SWAC and the liaisons met last week, the SWAC Chair emailed the Board asking to restart regular SWAC meetings once the BCTT report is made public. Because April-May 2023 is a public comment period, staff feel that is not timely and could be distracting. The Board should be the first body to hear and consider next steps from the BCTT process. Staff recommend that the PC, SWAC, and the Disposal Site Advisory Committee (DSAC) continue to suspend normal meeting operations until receiving additional direction from the Board, after the report public comment period.

Wyse agreed with the staff recommendation. Wyse disliked returning to a question that the Board has already answered. After the Board approved the BCTT WG bylaws and scope, WG members questioned what they should work on. The Board again said that discussion should occur at the One Table. The Board made a statement to this effect and held lengthy conversation at a Board Meeting, and Wyse read a statement to the WG. Wyse did not favor changing the Board's original direction, and felt the Board should continue not to have SWAC meet.

Augerot concurred that the Board prefers to continue the One Table as the primary venue for now, including time to receive all public feedback and absorb the information. SWAC needs to wait and the PC needs to meet on other matters until the entire BCTT process is closed.

Malone stated the Board has been consistent in the One Table approach. This fits in with the County's effort to reorganize committees, re-examining bylaws, scope, and membership to ensure committees meet current needs. Malone favored delay in restarting the role of SWAC, DSAC, and the PC in the solid waste conversation. Malone requested that when the BCTT report is released, staff provide a potential timeline for restarting SWAC/DSAC meetings. Malone suggested summer 2023, but did not specify a deadline.

Nichols to return with that information.

Wyse directed the public to previous Board motions on this subject.

Responding to a question from Counsel, the Board confirmed that past direction still stands.

{Exhibit 1: SWAC Memorandum and Draft Petition Statement}

8.2 Discussion of Pending Legislation Senate Bill (SB) 847-5 & House Bill (HB) 2001-B Regarding Housing and Homelessness – *Xanthippe Augerot, Commissioner*

Augerot explained that staff have been tracking two Oregon bills regarding housing. HB 2001-B is now on the Senate side; the Board signed the House letter of support, and Augerot recommended that the Board also sign the Senate letter of support.

MOTION: Augerot moved that the Board endorse House Bill 2001-B as it stands in the Senate. Wyse seconded the motion, which **carried 3-0.**

Augerot explained that Senate Bill 847-5 relates to temporary exemptions for aspects of land use planning relating to the homelessness crisis. One element provides liability coverage for cities or counties sponsoring safe resting places or camping areas for unhoused people as a transitional measure. Augerot asked if the Board wanted to make a formal endorsement, submit testimony, or sign a letter. Roseburg City Councilor Ellen Porter is a primary supporter and wants to keep the bill alive for a hearing/work session on March 27, 2023. The bill will either be modified or a compromise brokered by the State to provide interim insurance coverage. While there has not been a strong demand for this from cities in Benton County, the League of Oregon Cities fully supports the bill. Sanctioned camping will reduce pressure on waterways, streams, and parks.

Malone asked if the Board was considering whether to support the bill as is, or generally support the concept.

Augerot replied that Porter's request is to support the bill as is. This liability exemption is currently an opt-in for counties and cities. The bill's geography refers to the remainder of the state/Rural Oregon Continuum of Care, which covers Benton County now, but would not if Benton forms its own Continuum of Care. Augerot hoped to amend that aspect, but supported the overall concept.

Arena added that Porter's intent is to elevate the issue of liability insurance to the State for a solution. Porter intends to keep the bill opt-in, whether through a waiver of liability insurance or umbrella coverage provided by the State.

Malone supported the concept but preferred to reserve judgment on the final bill.

Augerot noted the bill will die if it does not proceed to a hearing and work session. If the bill is altered in the work session, the Board can change its stance.

MOTION: Augerot moved to support Senate Bill 847-5 moving forward to its work session, and to support the concept of providing liability coverage for assisting the homelessness safe rest and sanctioned camping areas. Wyse seconded the motion, which **passed, 3-0.**

Crager to draft a letter to that effect.

Chair Malone recessed the meeting at 10:49 a.m. and reconvened at 11:00 a.m. with the Public Hearings.

Wyse asked who else will attend the ABC House fundraising dinner on April 6, 2023. The Board has purchased a table.

Augerot will attend. Other guests to be determined.

9. Adjournment

Chair Malone adjourned the meeting at 12:21 p.m.

Pat Malone, Chair

Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, June 28, 2022
GoToMeeting link: <https://meet.goto.com/890052469>
Livestream: <http://facebook.com/BentonCoGov>
9:00 a.m.

Present: Nancy Wyse, Chair; **Xanthippe Augerot**, Commissioner; **Joe Kerby**, County Administrator; **Vance Croney**, County Counsel

Excused: **Pat Malone**, Commissioner

Staff: **Joe Hahn**, Equity, Diversity, & Inclusion; **Amanda Makepeace**, BOC staff; **Erika Milo**, BOC Recorder; **Lynne McKee**, Natural Areas, Parks & Events

Guests: **Dan Eddy**, **Andy Frazier**, **Scott Snedaker**, Bureau of Land Management; **Michele Holman**, Siuslaw National Forest; **Peggy Perdue**, resident

Chair Wyse called the meeting to order at 9:10 a.m.

I. Opening:

A. Introductions

B. Announcements

There were no announcements.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 Annual Update from Bureau of Land Management (BLM) & Siuslaw National Forest (SNF) -- *Andy Frazier, Scott Snedaker, Dan Eddy, Bureau of Land Management; Michele Holman, Siuslaw National Forest*

Holman reported that for the Marys Peak Bonneville Power Administration (BPA) communications site project, BPA sent an analysis and decision to move the existing communications site adjacent to the National Forest system site and co-locate with SNF. The Forest Service adopted that analysis and signed the draft decision to issue a permit. Some community members objected to the permit, primarily those who want the site to move off Marys Peak. The objection period is over and the Forest Service is ready to make a final decision, pending concurrence from the Fish and Wildlife Service about BPA's biological assessment. BPA intends to start construction in spring 2023.

Augerot asked if that would expand the facility's footprint on Marys Peak.

Holman replied this will make the footprint smaller; there will just be a small building and an antenna. Some engineering design work is needed for the tower platform.

Several Title II stewardship projects (from retained receipts from timber sales) were worked on this year. Secure Rural schools awarded \$69,000. Benton County received funds for:

- City of Corvallis Public Works: \$3,200 to treat non-native invasive species along roads and areas in the Corvallis watershed.
- Forest Service: \$5,000 for dump site cleanup, towing abandoned vehicles and boats, and hazardous materials removal.
- Marys Peak: meadow restoration is ongoing on BLM, SNF, and City of Corvallis lands.
- Road maintenance: \$20,000 for 15 miles of road drainage and surface maintenance.

Responding to a question from Augerot, Holman confirmed that the Resource Advisory Council had been reconstituted with full membership. This year an estimated 14 full-time equivalent positions were generated through stewardship projects in Benton County, based on earned income of \$604,000. Staff are preparing a summary of projects in all covered Counties. 2021 stewardship timber sales generated \$3.3 million for on-forest projects and \$700,000 for off-forest projects. Projects already assigned: in 2022, \$66,000 was spent on the west point Marys Peak meadow. The Marys River Watershed Council worked on Greasy Creek invasive plants control and trout habitat and Upper Marys River fish habitat. Several timber sales are ongoing, mostly in Lincoln and Lane Counties. Fire program: staff have good relationships with local Oregon Department of Forestry, and are working on preparedness. Due to rain in late June 2022, fire risk predictions have gone down considerably. Siuslaw homeless issues in 2021: Benton County is relatively low compared to other counties. One fairly large homeless camp at the base of Marys Peak is no longer there. Holman thanked Benton County Sheriff's Office for support.

Snedaker shared that Marys Peak Field Manager Paul Snyder is no longer working there. Snedaker summarized project activities, including the Ridgeview Overlook, Bummer Creek restoration, and Alsea Falls Campground (see packet).

Frazier reported on the BLM timber sale program in Benton County. The Beaty Ryder late secessionary reserve sale, west of the Community of Alsea, is active. In 2020, \$1.4 million was sold to local business Murphy Company; operations will wrap up in 2023. Staff are in the early planning stages of the Aloha Trout project, east of Alsea; work should begin in Fiscal Year 2024. Other areas include North Highway 126 sales and the Lobster Valley area, scheduled for sale starting in 2023. Responding to a question from Augerot about sales, Frazier replied that the 2020 Labor Day fires shifted the situation. Starting January 2021, the Marys Peak Field Office helped the Cascade Field Office with fire salvage; staff are still working to put up sales from this. Sales in Benton County will pick back up in the next year. Markets are very good.

Augerot praised the collaboration and implementation of new State wildfire legislation.

Eddy replied that BLM is still evaluating the State approach, seeing how the Federal pieces will combine. The Wildfire Risk Map will be out this week, which should help identify future fuels treatments. Forests are back to average fuel moistures and a slow start to fire season is expected.

4.2 *Update from Visit Corvallis (VC) - *Christina Rehklau, Visit Corvallis*

Rehklau reported that VC has continued project work during the pandemic, and was able to make payroll cuts instead of laying off staff. Staff are finishing the Mid-Willamette Valley Food Trail, a Travel Oregon program which includes 52 local farms, restaurants, and other eco-tourism businesses. Travel Oregon is a marketing tool but also presents many opportunities to businesses.

Travel Oregon and Oregon Department of Transportation funded a smartphone travel application for the Marys Peak to Pacific Scenic Byway. The app provides a narrative about history and sights along the drive.

Just before the pandemic, VC received a Travel Oregon grant to do visitor research. The City of Corvallis is often associated with Oregon State University (OSU), but VC found that people who order the VC visitor guide and use the VC website are less interested in OSU. Following the research, VC engaged in rebranding.

The Visitor Center moved from the Chamber of Commerce to a downtown Corvallis location, which tripled the number of walk-ins since visitors are already downtown. Restaurants are pleased. Because VC was encouraged not to promote visitation during the pandemic, the organization put more emphasis on public relations and is starting to reach new markets.

Hotel tax revenue returned abruptly in June 2021, even higher than in 2019. The World Athletics Championships (WAC) will occur in September 2022; hotel demand is expected to stay strong through the end of that month. VC just completed the Heart of the Valley Adventure Map, a partnership with Willamette Valley Visitors Association and Travel Oregon. With funding from partners, the \$12-13,000 project cost VC about \$1,500. The map will be available in July 2022, hopefully in time for early WAC arrivals. Hotels will probably sell out during WAC. There is some pushback about WAC crowds, which could reduce restaurant and retail business, but VC has provided businesses with information about options to suggest to visitors. The Oregon Senior Games will be held in August 2022, with around 495 athletes registered so far.

This year, VC will take about three months to re-do its three-year strategic plan. The Board will receive a survey. Past tourism has been promotional; now there is interest in more product development, including brochures and working on a Willamette River trail.

Rehklau described ways the County can help, such as supporting agritourism and downtown Corvallis. Regarding Benton County's three rounds of American Rescue Plan Act funding, Rehklau encouraged the County to help organizations that did not receive Paycheck Protection Program or Economic Injury Disaster Loan funds, such as non-501(c)3 organizations and new businesses. Consider smaller loans to businesses in the last round. VC was unable to apply because of how it is funded by Corvallis. VC is considering ways to help the Corvallis-Benton County Economic Development Office, a small office which is short one employee. EDO is interested in taking over the Main Street program. The Downtown Corvallis Association is dissolving; VC is trying to support Simon Date in taking over some of those roles.

Augerot praised VC for making Benton County more visible, adding the outdoor recreation aspect, making partnerships, and leveraging funds.

McKee and Wyse thanked Rehklau and staff.

{Exhibit 1: Visit Corvallis presentation}

V. Information Sharing

5.1 Nancy Wyse, Chair

No business was discussed.

5.2 Xanthippe Augerot, Commissioner

Augerot mentioned that ABC House seeks sponsorship for a run which will be held in Benton County for the first time. ABC House serves children in Linn and Benton counties who have suffered sexual abuse. Sponsorship levels range from \$600 to \$5,000.

Wyse commented that the Board donated \$600 in April 2022.

Augerot noted that if the County contributes \$1,200, its logo is featured on participant t-shirts.

MOTION: Augerot moved that Benton County contribute \$1,200 to support the ABC House Superhero Fun Run & Walk, to be held here in Benton County, and to support the work of the organization. Wyse seconded the motion, which passed 2-0.

Kerby to determine the source of funds and request an invoice from ABC House.

Augerot asked Kerby to resume quarterly updates on the Board budget. Augerot met yesterday with Representative David Gomberg and will meet with Senators Gelser Blouin and Representative Dan Rayfield this week to brief them on the Justice Systems Improvement Program and solid waste issues. Gomberg's priorities include housing affordability, public safety, transportation, and staffing.

5.3 Pat Malone, Commissioner

No business was discussed.

5.4 Joe Kerby, County Administrator

Kerby discussed meeting technology. The July 5, 2022 Board Meeting will use the Owl audiovisual recording device and test Zoom instead of GoToMeeting, which will stabilize the County's platform and allow greater accessibility for people with disabilities. The County will continue to use GoToMeeting internally until the organization migrates to Teams in late 2022 or early 2023.

VI. Other

No other business was discussed.

VII. Adjournment

Chair Wyse adjourned the meeting at 10:21 a.m.

Nancy Wyse, Chair

Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
Tuesday, May 24, 2022
GoToMeeting link: <https://meet.goto.com/608902797>
Livestream: <http://facebook.com/BentonCoGov>
9:00 a.m.

Present: Nancy Wyse, Chair; **Pat Malone**, Commissioner; **Xanthippe Augerot**, Commissioner; **Joe Kerby**, County Administrator; **Vance Croney**, County Counsel

Staff: **Larry Bogan**, BOC staff; **Joe Hahn**, Equity, Diversity, & Inclusion; **Suzanne Hoffman**, **April Holland**, Health; **Erika Milo**, BOC Recorder; **Paul Wallsinger**, Facilities; **Matt Wetherell**, Juvenile;

Guests: **John Harris**, Horsepower Productions; **Kate Porsche**, Corvallis-Benton County Economic Development Office; **Michael Curran**, **Brent Griffiths**, **Trask Hodgson**, **Leo Williamson**, Oregon Department of Forestry; **Aaron Harris**, Search and Rescue; **Tom Miller**, Philomath Fire District; **Cody Mann**, Mid-Valley Media

Chair Wyse called the meeting to order at 9:04 a.m.

I. Opening:
A. Introductions
B. Announcements

There were no announcements.

II. Review and Approve Agenda

No changes were made to the agenda.

III. Work Session

3.1 Third Quarter, Fiscal Year 2021-22 Economic Development Update – Kate Porsche, Corvallis-Benton County Economic Development Office (EDO) Director

Porsche updated the Board on first-third quarter projects. EDO has done outreach to 150 businesses. There is some focus on COVID-19 response, but the biggest challenge in all sectors is hiring, resulting in reduced business hours. Inflation costs are also also a challenge. There continues to be a focus on downtown City of Corvallis. The transfer of the economic improvement district from the Downtown Corvallis Association (DCA) to the Corvallis Chamber of Commerce was completed and a downtown-focused committee is being established. EDO and Benton County Public Works are exploring placement of a block of electric vehicle charging stations in downtown. EDO is currently reviewing proposals. The Business Right-of-Way program allowing restaurants to use parking spaces for overflow is being considered as a long-term program. The City wants to finish a parking study first. The first food hub stakeholder meeting will be held soon. The project received \$550,000 in American Rescue Plan Act (ARPA) funds via Senator Sarah Gelser Blouin's office. The final release of funds from the Department of Administrative Services is anticipated. Porsche applied for additional funds from Senator Jeff Merkley, but will not know the outcome until later this year. Affordable housing policies and outreach to businesses for the Urban Renewal District in south Corvallis continues, with

potential for a business support program. Work continues on annexation of the Airport Industrial Park. Jerry Sorte, EDO, is collaborating with Philomath City Manager Chris Workman as the City Council considers an enterprise zone, which is a three-year abatement on property tax for businesses that construct new buildings or buy new equipment, in exchange for job creation. EDO would be the program administrator. The Imagine Corvallis 2040 Visioning group will do community outreach for project ideas for the next five years. EDO is providing Corvallis staff with trainings on the International Association of Public Participation program. Porsche thanked the Board for providing ARPA funding to local businesses. Porsche to provide an outline for a revolving loan program. Porsche is working on two outside funding pass-through grants for the Regional Accelerator & Innovation Network (RAIN) and the Small Business Development Center (SBDC), to be discussed at the June 7, 2022 Board Meeting. EDO is still down one employee.

Malone recommended that Porsche investigate Department of Environmental Quality funding for electric vehicle charging stations.

Augerot asked if EDO was involved with the City of Adair Village (AV) Main Streets project.

Porsche shared that AV City Administrator Pat Hare and EDO will work with urban renewal consultants to create an AV commercial center. Meetings will start in summer 2022.

Wyse asked about specific sites for electric vehicle chargers.

Porsche replied that a bank of chargers is being considered near the south end of downtown Corvallis, so people can park and walk to downtown amenities.

Augerot asked how the need for more EDO staff capacity will be addressed.

Porsche replied that the first action is to fill open positions, and possibly return Sorte's position from 0.80 to 1.0 full-time equivalent. Porsche might request County funding in future.

3.2 Update from the Oregon Department of Forestry – Leo Williamson, Michael Curran, Oregon Department of Forestry

Curran provided an organizational chart and an update on continuing staffing struggles; many long-term staff are retiring. Hodgson is the new Community Wildfire Forester for the Community Wildfire Grant Program in Philomath. All State offices reopened to the public on May 1, 2022. Curran thanked the Benton County Sheriff's Office for the Forest Deputy program patrolling state lands. The region went from the most extensive fire season in years in 2020 to the least amount of fire/acres burned in 2021.

Williamson stated that the 2021 BC fire season was comparable to the rest of the state, with a relatively light initial attack in the district. ODF was pleased with the aggressive, quick attack on 2021 fires. There were two non-statistical fires (mutual aid to another district), and 29 fires that were reported but did not warrant fire crew action.

Curran explained that a fairly wet fall in 2021 was followed by a dry period from mid-January to April 2022. In mid-April 2022, rain/snow started in most of the state, so the situation is much better; locally, a later fire season of average intensity is expected.

Williamson mentioned an active County grant area west of the City of Monroe to the County line; funding expires at the end of 2022, but a two-year extension is an option. Near the Communities of Wren and Grand Ronde, the grant area expires in March 2023. In the City of Monroe, 37 acres were treated (fuels reduction around houses), and 71 acres were treated in Wren. Staff are exploring other funding opportunities and continue work on the Community Wildfire Protection Plan (CWPP).

Augerot asked about the use of the forthcoming new wildfire risk maps in determining the location of higher treatment.

Curran replied the new map will not change ODF operations. The map will be used to help prioritize which communities receive focus. Grants are being sought for fuels reduction in and around Corvallis; that will take several years, as it is difficult to get funding for communities which have already received consecutive years of funding.

Augerot shared a comment on an application form for an applicant on Vineyard Mountain who was not funded, stating there is a preference for an ODF crew to do the mitigation work in the field.

Hodgson replied that is specific to Senate Bill (SB) 762. The Wren and Monroe grant work was Federally funded, but SB 762 is State funded, so some applications were given bonus points for utilizing a fuels reduction crew, although ODF does not have one. The risk rating map was used, and Benton is low risk compared to the rest of the state.

Malone asked about the vacant Community Wildfire Forester position.

Williamson replied that staff were waiting on confirmation of funding and hoped to fill the position in fall or winter 2022.

Curran mentioned that staff will continue to engage with the County on the CWPP. The Forestland Classification Committee (FCC) determines which landowners will receive wildland fire protection from ODF.

Williamson added that the FCC held its annual meetings in March 2022, and is finishing its annual review and preparing for the five-year review due in Spring 2025. Williamson asked to nominate Commissioner Malone for membership on the FCC.

Curran explained that ODF manages two types of land. On Board of Forestry (BOF) land, two-thirds of revenue generated from timber sales goes back to the County and other local taxing districts, and one-third goes to the Forest Development Fund to fund the State Forest Program. On Department of State Lands Common School Lands, revenue goes into the statewide Common School Fund after ODF operating expenses are paid. Benton County directly receives revenue from over 8,300 acres. In fiscal year (FY) 2021, ODF provided over \$130,000 to Benton and other local taxing districts; revenue to date for FY 2022 is \$407,000. The FY 2023 Annual Operating Plan identified one sale in the County on BOF lands, which could provide over \$834,000 to the County. In FY 2023, ODF timber sale contracts and revenue are spread over a two-to-three year period. The Private Forests Division was renamed the Forest Resources Division (FRD), and is in charge of administering Oregon Forest Practices Act. The log market has stayed fairly steady through the pandemic. In early 2022, there was a sharp uptick; activity has now slowed down a bit.

Chair Wyse recessed the meeting at 9:51 a.m. and reconvened at 10:05 a.m.

Williamson reported that the FRD received 467 notifications for 2021, up from 445 in 2020, likely a reflection of the log market. ODF partners with Federal agencies and incentive programs, administering habitat restoration, fuels reduction, forest health projects, and management plans. Benton County will host the statewide Oregon Small Woodlands Convention at the end of June 2022.

Curran noted there has been considerable turnover in ODF executive leadership, and suggested having new staff visit Benton County. SB 762 was a game-changer for ODF and the Oregon State Fire Marshal, establishing three statewide goals: increase defensible space, develop a safe and effective wildfire response, and add capacity for firefighters and firefighter leadership. SB 762 added many fire response staff; in the Western Oregon district, the office has been able to increase months worked for three forest officers and added two more firefighters at each of three offices. Passage of the recent Forest Accord legislature is causing a big change in the Forest Practices Act. The Governor's office worked with the environmental community, local industrial landowners, and small woodland landowners to reach agreement on new practices, and now the agency must put new material into the rule. On State forests, staff continue to work towards a Habitat Conservation Plan (HCP), which will provide operational certainty about the risk of endangered species. In March 2023, the BOF will decide whether to implement an HCP.

Augerot requested that ODF return after fire season to discuss changes to the HCP and effects on Benton County.

Curran to contact staff at the City of Salem office.

Malone asked if the Linn County timber lawsuit had affected ODF's approach to forestry.

Curran replied no, staff are still operating under the current Forest Management Plan.

3.3 Update from Oregon State Fire Marshal – Brent Griffiths, Benton County Mobilization Coordinator, Office of the State Fire Marshal (OSFM)

Griffiths explained how OSFM will engage with the Board if a Benton County wildfire threatens structures outside of a Fire District (FD). OSFM has Regional Mobilization Coordinators (RMCs) in seven regions who work with local fire agencies to facilitate a more collaborative and efficient wildfire response. RMCs are available as a local representative and liaison between the fire service and State resources. RMCs also work with all other partners connected to a wildfire or other incident requiring State assistance, including the Sheriff's Office, County Emergency Management, and ODF. Work focuses on implementing the recent Response Ready Oregon and Fire-Adapted Oregon initiatives. OSFM's new Community Risk Reduction Program (CRRP) places Fire Risk Reduction Specialists (FRRS), regional coordinators who help communities prepare for and mitigate wildfire impacts. Focusing on vulnerable and under-represented communities, the program recently offered a fuel mitigation grant to schools and hospitals. In Benton County, the Ashbrook Independent School, Corvallis Waldorf Association, and Linn-Benton Community College Benton Center received this grant. OSFM is also implementing a Defensible Space Code (DSC), authorized by SB 762, which required ODF to define the wildland-urban interface, map all areas in Oregon that meet this definition, and identify the risk of wildfire impact. The DSC will apply in all high or extreme risk areas. OSFM plans to hire more than a dozen Deputy State Fire Marshals to assist with DSC implementation, working with the CRRP to incentivize compliance. FRRS Stephanie Stafford can answer questions.

Griffiths explained that if a wildfire threatens homes or communities and has exceeded the capacity of a responding fire agency and their mutual aid partners, the County Fire Defense Board (FDB) Chief may request State assistance. OSFM will determine need, then request that the Governor enact the Conflagration Act, after which OSFM will mobilize firefighting resources from across the state and a Type Two Incident Management Team (IMT) to manage the response on behalf of the local FD, allowing them to respond to other calls. When the Conflagration Act is enacted, all firefighting costs are assumed by the State. The IMT will bring all necessary resources. To assume command of the incident, the IMT will request a delegation of authority from the Fire Chief of the agency having jurisdiction. In areas outside an FD, the IMT will seek a delegation of authority from the Board under ORS 476.330. The risk of a large wildfire requiring State assistance is lower in Benton County than some other areas, but still a possibility. The map shows 645 structures in the County that are outside of an FD. However, 242 of the structures are within an ODF district or under-protected (meaning the land is protected, but no FD covers the structures). If a wildfire threatens structures outside of an FD, the local fire service can respond initially if they have approval from their Board or City Council and are not leaving their home area unprotected. If the incident exceeds capacity of the responding agency and mutual aid partners, the agency will contact the Benton County FDB Chief (Miller), who will work with Griffiths and the County to assess State resources. The IMT Incident Commander and an OSFM agency administrator work with the Board on the delegation of authority and determine responsibilities under the agreement.

Miller explained that areas with structures outside of an FD include the Greenberry Gap (Community of Greenberry). Currently, if there is a fire in that area, dispatch will call neighboring fire chiefs and ask if they will respond. The Philomath FD charges fees to property owners for time, equipment, and any backfill while on the call. If there is a fire in those areas, it is the Board's responsibility to call for the conflagration through the FDB process. Delegation of authority is a form the Board signs. Miller requested clear direction on how the Board wants to proceed when there is a fire in the red areas.

Griffiths added there could also be a need to call for conflagration for unprotected structures in ODF territories. Any area where local agencies have responded, but need State help, the Board assigns delegation of authority so the OSFM IMT can manage the response on behalf of the Board. The document in the packet outlines the Board's involvement. There is also a conflagration request form; Griffiths will likely gather the information to determine the need for a conflagration and what resources are needed.

Augerot asked whether the only scenario when the Board might delegate its authority is when there is a massive fire and local agencies are all involved elsewhere.

Miller replied there is a Linn-Benton mutual aid agreement. In the Linn-Benton system, there are four alarms before the Philomath FD would request a conflagration from the State. Agencies work together to make sure not to send too many resources out of the County.

Augerot asked how probable it is that the Board would want to declare a conflagration and delegate its authority.

Griffiths replied the probability of such an incident in Benton County is low, but more fires are occurring. OSFM is meeting with each County Board to discuss the new delegation of authority. Under SB 762, OSFM can pre-position resources; Griffiths is working with Linn and Benton on a combined plan. If OSFM does not pre-position, it can send resources from Marion or Lane

Counties on immediate response. The State is responsible for those costs. OSFM has an agreement to use any of ODF's aircraft if fire is threatening structures.

Miller asked if a fire must be uncontrolled for 48 hours before local agencies ask for a conflagration.

Griffiths replied not necessarily; if locals are immediately overwhelmed, OSFM will help if requested.

Malone asked how delegation of authority differs from the current structure.

Griffiths replied that OSFM would receive the delegation from the fire chief if the incident is within an FD. For an incident outside any established FD that exceeds local capacity, OSFM would come to the Board for delegation of authority.

Augerot noted that in Greenberry Gap and the ridge above Northeast Pettibone Drive, many structures are not covered by any FD. In those areas, does the Board delegate the authority, or does ODF?

Griffiths replied that the Board delegates for structures, and the State delegates for lands. Griffiths confirmed that Benton County Emergency Manager Bryan Lee would tell the Board it was time to make a delegation.

Wyse asked why these structures are not in an FD.

Griffiths replied that some areas have chosen not to be, or there is no FD close enough.

Augerot added that Greenberry Gap has relatively few structures, so farmers have not wanted to join an FD. Augerot was more concerned about uncovered structures in lands with ODF coverage, such as an area of heavy rural residential development in Forest Conservation Lands. Some sites are not contiguous to a FD, or the roads cannot handle the equipment.

Curran added that whenever there is a new fire, ODF is in constant communication with Miller or the local fire chief. Depending on what structures are at risk, ODF would talk to the FDB and the County Emergency Manager. Responding to questions from Wyse, Curran replied this applies to any fire that is in these gaps and is not contingent on a State conflagration, and that the State does not have to declare the conflagration before the Board does.

Lee noted that delegations of authority are a template with the option to add additional details. The Board can choose which pieces of authority to delegate. Availability of air assets and other initial assets to help locals is a key part of this program. If the local IMT or FD is quickly overwhelmed, this will also further support the State helping local FDs. This is outside the County's Emergency Operations Center (EOC) efforts. The EOC team supports field work by OSFM or the local FD or FDB, but does not manage any firefighting assets unless asked directly.

IV. Old Business

4.1 Discussion of Possible Changes to Benton County Code (BCC) Chapter 32, Emergency Procedures – *Vance Croney, County Counsel*

Counsel explained this is the second reading of the Ordinance that was put forward on May 3, 2022 to amend the Emergency Procedures Ordinance to include a burn ban. After the first

reading, Counsel met with Sheriff Jef Van Arsdall, Lee, Williamson, Miller, and Kerby to discuss how the burn ban would work. Many participants expressed concerns. Van Arsdall noted it is hard for deputies to know the location of rural fire protection boundaries when receiving calls about fires. ODF issues permits for campfires or controlled small burns during fire season; the proposed Ordinance would pre-empt those rules. There is also the question of how far the burn ban would extend: into ODF land, into lands covered by rural fire protection, or just in unincorporated areas of the County with no fire protection district and which are not subject to ODF regulations? Staff concluded it would be prudent to let this revision to Chapter 32 die, and for staff to return with a more collaborative and enforceable burn ban that the Sheriff's Office and ODF can clearly articulate to rural residents and firefighters.

Wyse asked what is wrong with the County's current approach.

Counsel replied there is currently no BCC mechanism to ban fires during fire season that could result in forest fires or wildfires. If the Ordinance dies, that status will continue. The impetus for the ban was to address concerns about increased possibility of rural fires, and how to ramp up education and informational campaigns about fire danger. Responding to a question from Wyse, Counsel replied that an ordinance is not needed to enact an educational campaign.

Augerot asked if the proposed language in the packet offered an alternative approach to enacting a County burn ban.

Miller explained that local fire agencies work tightly with ODF and its public use restrictions during wildfire season. Linn and Benton FDB Chiefs use a low/ moderate/ high/ extreme risk system, and local agencies follow the chiefs' recommendations. ODF and Linn-Benton FDBs do a joint summer informational campaign about burn bans. There are also specific indicators (low humidity, low fuel moisture) during burn season that trigger all Benton County Fire Department response to wildland fires. This was instrumental in preventing the Labor Day 2020 fire from becoming a conflagration. Miller recommended that the Board support the agencies' mission, putting out messaging when the FDB prohibits burning.

Wyse expressed a willingness to align with staff and partners on whether or not to establish a County burn ban.

Miller did not feel think the ban was the right approach, since it would conflict with ODF's burning levels and public use restrictions. ODF signs show color-coded fire danger levels; another system will confuse the public because people do not know if they are on ODF land or not. It is in the best interest of the County to create code that supports what professionals in the field already do.

Wyse asked if Miller preferred the County returning with another revised Ordinance, or not doing an ordinance and finding other ways to help support fire agencies.

Miller preferred the latter, just a campaign to support the mission.

Malone favored helping get the word out about fire prevention, not competing with ODF.

Kerby noted that the County works in conjunction with FDB and ODF on messaging. Staff can continue advancing educational outreach and awareness; JonnaVe Stokes, Interim Public Information Officer (PIO), would focus on that. A new PIO will start work on June 29, 2022.

Curran shared that ODF had the same concerns about the proposed ban as Miller. ODF will contact Stokes before fire season. The public could be easily confused about jurisdiction and location and timing of restrictions. ODF works closely with landowner associations, FDBs, and fire chiefs on when to declare fire season; then the FDs enact their individual burn bans. During ODF fire season, no burning is allowed in ODF-protected land; by that time, there is a County burn ban in most areas. This has worked well in past, but increased messaging is always good.

Malone suggested that the County's six portable reader boards could be used to inform the public that fire season is in effect, especially in high or extreme danger.

Williamson expressed support for previous comments.

Lee supported what Miller, Curran, and Griffiths had said. When those groups declare fire season, Lee could bring a proclamation or resolution to push that messaging, and will work with Stokes and the new PIO on wildfire outreach and educational presentations.

Ordinance #2022-0309 did not receive a second reading and did not become effective.

Chair Wyse recessed the meeting at 11:14 a.m. and reconvened at 11:19 a.m.

V. New Business

5.1 Discussion and Decision Regarding a Request for Funding Support from the NAACP Linn-Benton Branch's Juneteenth Celebration and Black-owned Business Expo – Wendy Sutton, National Association for the Advancement of Colored People, Corvallis Chapter; JoeHahn, Equity, Diversity, and Inclusion Program Coordinator

JoeHahn explained that the National Association for the Advancement of Colored People (NAACP) Linn-Benton Branch has asked the County for funding of their Juneteenth celebration on June 18, 2023.

Sutton added that the event would take place at Linn-Benton Community College of Albany, including the area's first Black-Owned Business Expo and an all-ages giveaway of books authored and illustrated by Black people. Responding to a question from Wyse, Sutton replied that donations were also received from the City of Corvallis, Albany Library, Corvallis Public School Foundation, Surge, and Langley Home Sales; books were provided by the Corvallis Library and Greater Albany Public Schools.

MOTION: Malone moved to allocate \$500 for the Black Business Expo at the 2022 NAACP Juneteenth event. Augerot seconded the motion, which **passed 3-0.**

VI. Information Sharing

5.1 Nancy Wyse, Chair

Last week, Wyse attended the National Association of Counties Western Interstate Regional conference in the state of Alaska. Themes included connecting counties with military installations, building resilience in small counties, and Federal agency partners such as the United States Department of the Interior and the United States Forest Service.

5.2 Xanthippe Augerot, Commissioner

Last week, Augerot, Corvallis staff, and other non-profit organizations visited Third Street Commons with Corvallis Housing First (CHF) Project Manager Mike Andrews, who is working on a permanent supportive housing development there. CHF is receiving community feedback about the project and making Andrews available for conversations. The County's Health Resources and Services Administration site visits began today. Augerot met with Oregon Cascades West Council of Governments (COG) Executive Director Ryan Vogt about Veterans Services. Augerot had previously brought up needing better connectivity between the County's Veterans Services programming and programming at Samaritan Health Services (SHS) and Community Services Consortium. Augerot felt there would be more movement as a result of the conversation. The County needs a clear staff point person for COG to work with. Augerot followed up with SHS, which has only one Veterans Services Officer, but wants to be able to do more, and is wondering if the County could help. All these providers need to meet and strategize on more seamless services for veterans.

5.3 Pat Malone, Commissioner

Malone shared that the May 19, 2022 Board Meeting had a second presentation from Sustainability, including consultants Good Company, on County energy usage and greenhouse gas reduction. The DEQ is offering funding for electric vehicle charging stations.

5.4 Joe Kerby, County Administrator

Kerby noted that monthly Leadership Team meetings and quarterly meetings with City Managers have resumed. Kerby requested direction from the Board on which meetings should be held in person; today staff started providing hybrid virtual/in-person options for first and third Tuesday Board Meetings. Kerby asked which other meetings, such as Goal Setting and Department Heads, the Board expected to be livestreamed and have an in-person option.

Wyse favored having Tuesday Board Meetings in person but was flexible on the others.

Augerot also favored full Board Meetings being available in person and on Facebook. Virtual departmental meetings have been helpful to reduce travel and emissions, though there is a place for an occasional in-person meeting. Leadership Team meetings could be in person.

Malone agreed about Board Meetings and felt that other meetings could be determined case-by-case. It can be good to have some in-person meetings, but reducing travel time and greenhouse gas emissions is important.

Kerby stated that until the new boardroom technology package is installed in mid-August 2022, staff will continue with an assortment of technology. Staff will create a matrix of how various meetings will be conducted.

Wyse emphasized being clear to invitees whether a meeting is virtual or in person.

Kerby asked if it was all right for attendees to join meetings virtually if preferred.

Wyse affirmed. Kerby and Wyse also discussed the best time to take public comment at meetings, other than a Public Hearing. Wyse's practice is to have all testimony that does not relate to a specific agenda item at the beginning of the meeting, then leave it to the Chair's discretion whether to ask for testimony on an agenda item.

Augerot and Malone concurred.

VI. Other

No other business was discussed.

VII. Adjournment

Chair Wyse adjourned the meeting at 11:40 a.m.

Nancy Wyse, Chair

Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Appointment to the) ORDER #D2023-038
RIDGEWOOD ROAD DISTRICT)**

THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION
OF THE BOARD AND,

IT APPEARING TO THE BOARD

THAT the following qualified and knowledgeable individual has indicated a willingness
to serve on this road district:

<u>Name</u>	<u>Address</u>	<u>Term & Position</u>
Randy Carver	8065 NW Ridgewood Dr. Corvallis OR 97330	04/04/23 - 12/31/24 President

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individuals are hereby
appointed for a term on the Ridgewood Road District.

Adopted this 4th day of April, 2023.

Signed this 4th day of April, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:

Pat Malone

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Pat Malone, Chair

DocuSigned by:

Xanthippe Augerot

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Xanthippe Augerot, Vice Chair

DocuSigned by:

Nancy Wyse

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Nancy Wyse, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

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BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Dave Malone

Phone Extension * 6284

Meeting Attendee Name * Dave Malone

Agenda Item Details



Item Title * In the Matter of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☒ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☒ Order/Resolution
- ☒ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☒ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

A petition was submitted by Rex P. Burnett and Karen A. Burnett and endorsed and approved by the Philomath Fire and Rescue District Board for annexation of the Burnett property. The Petition conforms to Oregon Revised Statute (ORS) 198 and ORS 478. This property will benefit from the inclusion into the district for fire protection.

The Benton County Assessor has reviewed the petition and determined that all of the requisite number of qualified landowners have signed said petition per ORS 198.

The Benton County Board of Commissioners shall consider the appropriate boundary and shall consider the benefit the proposed annexation will have to said district.

Options*

- 1) Approve the petition for annexation of territory into the Philomath Fire and Rescue District.
- 2) Deny the petition and advise staff.

Fiscal Impact*

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.
 Pursuant to ORS 198, owners, contract purchasers and/or residents of property must file a petition with the Benton County Board of Commissioners to begin proceedings to annex real property into a fire district. On behalf of the Board, Public Works facilitates processing of the request.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ NA

Explain Core Values Selections * The annexation of this property into a fire district helps prepare for protecting the residence in the event of a fire.

Focus Areas and Vision * Select all that apply.

- ☐ Community Safety
- ☒ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ NA

Explain Focus Areas and Vision Selection * The annexation of this property into a fire district helps prepare for protecting the residence in the event of a fire.

Item Recommendations and Motions

Staff

Recommendations*

Staff recommends the Benton County Board of Commissioners approve Order No. D2023-037 for the petition of annexation of territory into the Philomath Fire and Rescue District.

Meeting Motions*

I move to ...
....approve Order No. D2023-037 for the annexation of territory into the Philomath Fire and Rescue District by the authority of ORS 198 and ORS 478.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Attachment 1.pdf

894.21KB

Comments (optional)

Dave Malone will bring the original Order to be signed by the BOC to the Public Hearing.

If you have any questions, please call ext.6800

Department Approver

GARY STOCKHOFF

1.

Department Approval

Comments

Signature

Gary Stockhoff

2.

Counsel Approval

Comments

Signature

Vance H. Croney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amanda Makepeace

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Approving a Petition) FINDINGS OF FACT
To Annex Territory and Ordering) CONCLUSIONS OF LAW
Annexation of Such Territory into the) ORDER D 2023-037
Philomath Fire and Rescue District)**

I. Nature of the Proceeding

The above-entitled matter coming now for the consideration of the Board of Commissioners upon a petition submitted by Rex P. Burnett and Karen A. Burnett and pursuant to ORS 198.857. The petition requests the annexation of property described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District, a special district organized pursuant to ORS Chapter 478. The Board of Commissioners held a duly advertised public hearing on April 4, 2023, in the Board of Commissioners' Meeting Room, 4500 SW Research Way, Corvallis, OR, 97333. All the evidence and testimony having been duly considered, the Board finds as follows:

II. Findings of Fact

- 1) The petition for annexation was filed on March 7, 2023. The public hearing on the annexation was held on April 4, 2023, not less than twenty (20) nor more than fifty (50) days after the petition was filed.
- 2) Notice pursuant to ORS Chapter 198 was mailed to all persons with interests in the property to be annexed.
- 3) On February 13, 2023, the Board of Directors of the Philomath Fire and Rescue District endorsed and approved the petition to annex the territory.
- 4) On March 3, 2023, Benton County Community Development Department submitted a memorandum for the property, stating that the property is zoned Forest Conservation with a site-built dwelling for 22463 Wells Creek Road, Philomath, OR. The annexation to the Philomath Fire and Rescue District would not violate any zoning or land use regulations.
- 5) The area described for annexation is not currently within a Rural Fire Protection District.
- 6) The Benton County Director of Assessment certified on March 3, 2023, that the petition was signed by the requisite number of qualified landowners in accordance with ORS Chapter 198.
- 7) The area proposed to be annexed consists of 1.85 acres. The owners of 100% of the acreage have signed the petition for annexation.

8) The surveyor, David L. Malone, certified with his surveyor's license stamp that the boundary described in the description in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, accurately reflects the area to be annexed.

III. Conclusions of Law

- 1) ORS 198.857 and the Benton County Code are applicable to the request.
- 2) The petition contains the necessary information, amount of property, and the number of necessary signatures, and was properly filed pursuant to ORS 198.857.
- 3) The area within the boundary described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, will receive benefits from inclusion in the Philomath Fire and Rescue District for fire protection for the improvements. The provision of such fire protection will not violate any zoning or land use regulations.

IV. Order

Based on the above findings and conclusions, now, therefore, it is hereby ordered:

- 1) The petition for annexation of the territory described in Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District is approved; and
- 2) The boundaries of the territory to be annexed shall be as described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2; and
- 3) The territory described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, is hereby declared annexed into the Philomath Fire and Rescue District.
- 4) Within ten (10) days of the date of this Order, staff is directed to file duplicate copies of this Order with the Oregon Department of Revenue, the Oregon Secretary of State, the Benton County Director of Records and Elections, and the Benton County Assessor.

Adopted this 4th day of April, 2023.

Signed this 4th day of April, 2023

BENTON COUNTY BOARD OF COMMISSIONERS



Pat Malone, Chair

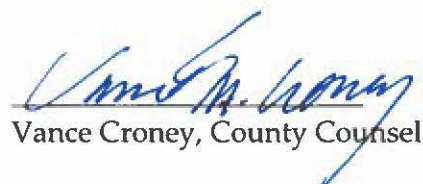


Xanthippe Augerot, Vice Chair



Nancy Wyse, Commissioner

Approved as to form:



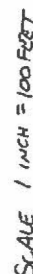
Vance Croney, County Counsel

EXHIBIT "A"
Legal Description

PAGE 1 OF 2

Beginning at a point on the East line of Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, 803.92 feet South $0^{\circ} 46' 57''$ East of the Northeast corner thereof, said beginning point being on the Southerly right of way line of relocated State Highway No. 34; and running thence South $00^{\circ} 46' 57''$ East 66.92 feet along said East line of Lot 1 to a point in the center of the old Alsea Highway; thence following said old highway center South $80^{\circ} 41' 40''$ West 481.46 feet to a point; thence North $7^{\circ} 01'$ East 255.24 feet to a point on the said Southerly right of way line of Highway No. 34; thence following said right of way line along a 2008.48 foot radius curve to the right having a central angle of $3^{\circ} 06' 47''$, an arc length of 109.12 feet by a long chord that bears South $83^{\circ} 19' 04''$ East 109.12 feet to a point of spiral; thence along a spiral curve to the right being concentric with and 75 feet distant from a 550 foot centerline spiral having a central angle of $7^{\circ} 33' 45''$ and an "a" factor of 0.5 by a long chord that bears South $78^{\circ} 36' 45''$ East 266.76 feet to a point; thence South $59^{\circ} 25' 48''$ East 84.95 feet to the point of beginning.

All in said Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, Benton County, Oregon.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of Approving a Petition	)	FINDINGS OF FACT
To Annex Territory and Ordering	)	CONCLUSIONS OF LAW
Annexation of Such Territory into the	)	ORDER #D2023-037
Philomath Fire and Rescue District	)	

I. Nature of the Proceeding

The above-entitled matter coming now for the consideration of the Board of Commissioners upon a petition submitted by Rex P. Burnett and Karen A. Burnett and pursuant to ORS 198.857. The petition requests the annexation of property described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District, a special district organized pursuant to ORS Chapter 478. The Board of Commissioners held a duly advertised public hearing on April 4, 2023, in the Board of Commissioners' Meeting Room, 4500 SW Research Way, Corvallis, OR, 97333. All the evidence and testimony having been duly considered, the Board finds as follows:

II. Findings of Fact

- 1) The petition for annexation was filed on March 7, 2023. The public hearing on the annexation was held on April 4, 2023, not less than twenty (20) nor more than fifty (50) days after the petition was filed.
- 2) Notice pursuant to ORS Chapter 198 was mailed to all persons with interests in the property to be annexed.
- 3) On February 13, 2023, the Board of Directors of the Philomath Fire and Rescue District endorsed and approved the petition to annex the territory.
- 4) On March 3, 2023, Benton County Community Development Department submitted a memorandum for the property, stating that the property is zoned Forest Conservation with a site-built dwelling for 22463 Wells Creek Road, Philomath, OR. The annexation to the Philomath Fire and Rescue District would not violate any zoning or land use regulations.
- 5) The area described for annexation is not currently within a Rural Fire Protection District.
- 6) The Benton County Director of Assessment certified on March 3, 2023, that the petition was signed by the requisite number of qualified landowners in accordance with ORS Chapter 198.
- 7) The area proposed to be annexed consists of 1.85 acres. The owners of 100% of the acreage have signed the petition for annexation.

8) The surveyor, David L. Malone, certified with his surveyor's license stamp that the boundary described in the description in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, accurately reflects the area to be annexed.

III. Conclusions of Law

- 1) ORS 198.857 and the Benton County Code are applicable to the request.
- 2) The petition contains the necessary information, amount of property, and the number of necessary signatures, and was properly filed pursuant to ORS 198.857.
- 3) The area within the boundary described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, will receive benefits from inclusion in the Philomath Fire and Rescue District for fire protection for the improvements. The provision of such fire protection will not violate any zoning or land use regulations.

IV. Order

Based on the above findings and conclusions, now, therefore, it is hereby ordered:

- 1) The petition for annexation of the territory described in Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District is approved; and
- 2) The boundaries of the territory to be annexed shall be as described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2; and
- 3) The territory described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, is hereby declared annexed into the Philomath Fire and Rescue District.
- 4) Within ten (10) days of the date of this Order, staff is directed to file duplicate copies of this Order with the Oregon Department of Revenue, the Oregon Secretary of State, the Benton County Director of Records and Elections, and the Benton County Assessor.

Adopted this 4th day of April, 2023.

Signed this 4th day of April, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Approved as to form:

Xanthippe Augerot, Vice Chair

Vance Croney, County Counsel

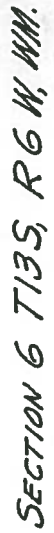
Nancy Wyse, Commissioner

Page 63 of 186
EXHIBIT A
Legal Description

PAGE 1 OF 2

Beginning at a point on the East line of Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, 803.92 feet South 0° 46' 57" East of the Northeast corner thereof, said beginning point being on the Southerly right of way line of relocated State Highway No. 34; and running thence South 00° 46' 57" East 66.92 feet along said East line of Lot 1 to a point in the center of the old Alsea Highway; thence following said old highway center South 80° 41' 40" West 481.46 feet to a point; thence North 7° 01' East 255.24 feet to a point on the said Southerly right of way line of Highway No. 34; thence following said right of way line along a 2008.48 foot radius curve to the right having a central angle of 3° 06' 47", an arc length of 109.12 feet by a long chord that bears South 83° 19' 04" East 109.12 feet to a point of spiral; thence along a spiral curve to the right being concentric with and 75 feet distant from a 550 foot centerline spiral having a central angle of 7° 33' 45" and an "a" factor of 0.5 by a long chord that bears South 78° 36' 45" East 266.76 feet to a point; thence South 59° 25' 48" East 84.95 feet to the point of beginning.

All in said Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, Benton County, Oregon.



IN WITNESS WHEREOF, we have signed this Petition on the date indicated after our names. UNLESS OTHERWISE INDICATED, ACRES INDICATED AS OWNED ARE IN BENTON COUNTY AND IN THE TERRITORY SUBJECT TO THIS PETITION.

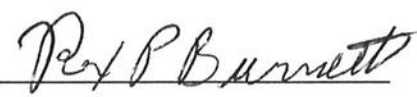
NAME - Sign above printed line	Residence	Date	Acres Owned
 Rex P. Burnett	<u>22463 Wells Creek Rd</u> <u>Philomath, OR 97370</u>	<u>2-3-23</u>	<u>1.85</u>
 Karen A. Burnett	<u>22463 Wells Creek Rd</u> <u>Philomath, OR 97370</u>	<u>2-3-23</u>	<u>1.85</u>

Exhibit A

A description of the boundaries of the territory to be annexed must be attached and marked Exhibit "A" along with a map.

I, David L. Malone, being a certified surveyor, Oregon PLS 51523, do certify that the boundaries described in Exhibit "A" do accurately reflect the map attached.

A handwritten signature in black ink, appearing to read "D. Malone", is written over a horizontal line.

EXHIBIT A
Legal Description

PAGE 1 OF 2

Beginning at a point on the East line of Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, 803.92 feet South $0^{\circ} 46' 57''$ East of the Northeast corner thereof, said beginning point being on the Southerly right of way line of relocated State Highway No. 34; and running thence South $00^{\circ} 46' 57''$ East 66.92 feet along said East line of Lot 1 to a point in the center of the old Alsea Highway; thence following said old highway center South $80^{\circ} 41' 40''$ West 481.46 feet to a point; thence North $7^{\circ} 01'$ East 255.24 feet to a point on the said Southerly right of way line of Highway No. 34; thence following said right of way line along a 2008.48 foot radius curve to the right having a central angle of $3^{\circ} 06' 47''$, an arc length of 109.12 feet by a long chord that bears South $83^{\circ} 19' 04''$ East 109.12 feet to a point of spiral; thence along a spiral curve to the right being concentric with and 75 feet distant from a 550 foot centerline spiral having a central angle of $7^{\circ} 33' 45''$ and an "a" factor of 0.5 by a long chord that bears South $78^{\circ} 36' 45''$ East 266.76 feet to a point; thence South $59^{\circ} 25' 48''$ East 84.95 feet to the point of beginning.

All in said Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, Benton County, Oregon.



Exhibit B

Pursuant to a resolution of the Board of Directors of the Philomath Fire and Rescue District, the property described in this Petition is hereby endorsed and approved for annexation to the Philomath Fire and Rescue District.

Name: 
Title: Board President
Date: 2/13/23

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

N.W.1/4 SEC.6 T.13S. R.6W. W.M.

BENTON COUNTY

1" = 200'

0 100 200 Feet

13 06 06B

12/2/2015

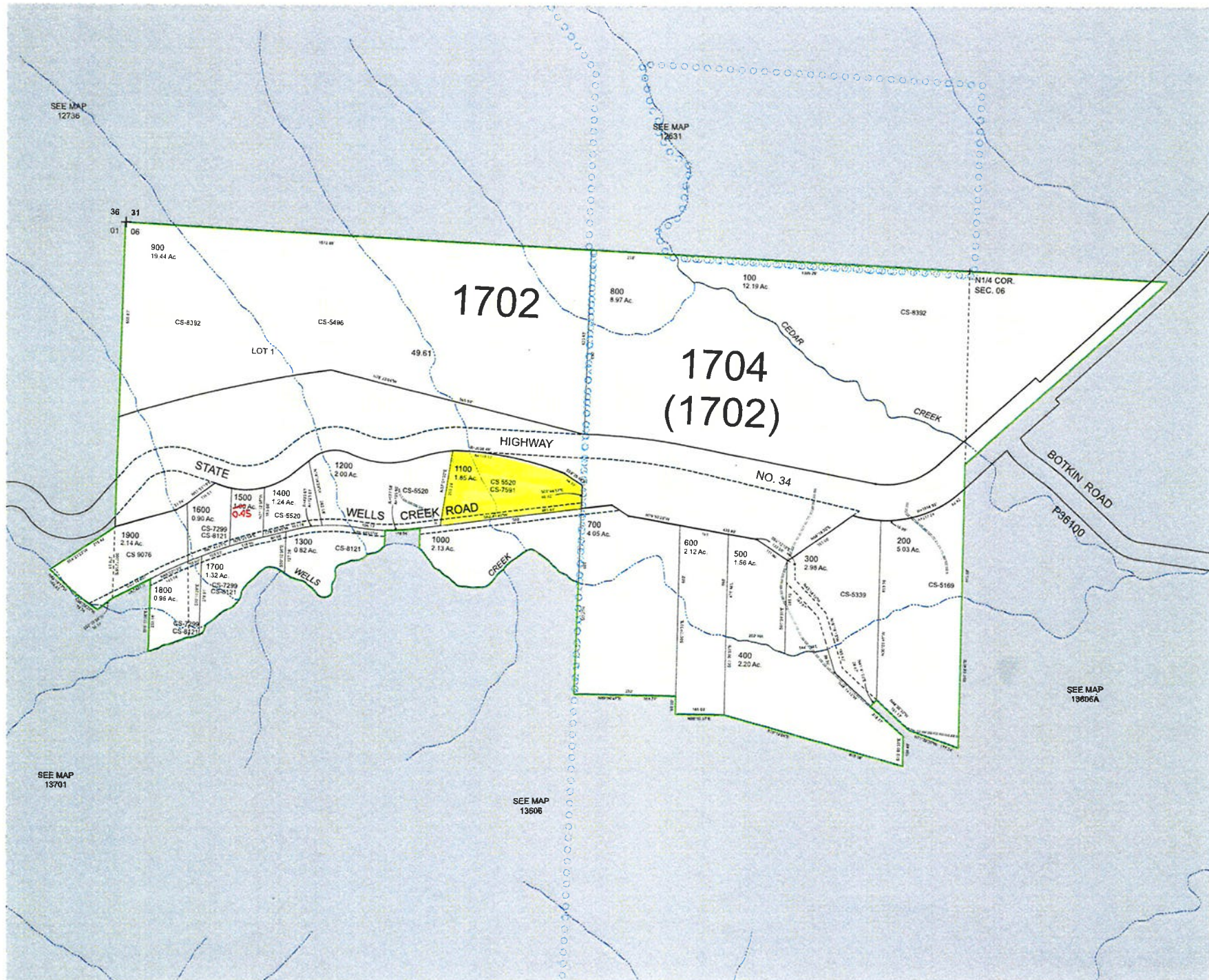
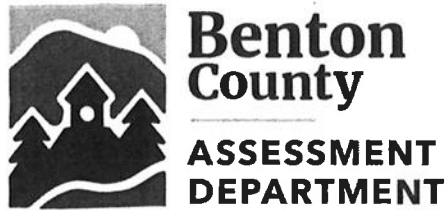


EXHIBIT C
VICINITY MAP
Page 71 of 186

13 06 06B



Department of Assessment

Office: (541) 766-6855

Fax: (541) 766-6848

4077 SW Research Way.

Corvallis, OR 97333

co.benton.or.us/assessment

District Annexation Petition Review

Property Annexation Petition for Philomath Fire and Rescue District

In response to a request sent to me by David Malone of the Benton County Surveyor's Office, to the best of my knowledge, the petition signed by Rex P. Burnett and Karen A. Burnett, designated as the landowners of the proposed annexation area, was completed in accordance with ORS Chapter 198.

The Benton County Assessor certifies that the last recorded deed document signature matches the signature of the signer with the appropriate records and that the petition is signed by the requisite number of qualified landowners.

In testimony thereof, I have hereunto set my hand this 3rd day of March, 2023.

By: *Tami Tracy*

Tami Tracy
Director of Assessment



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department
Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97330
co.benton.or.us/cd

MEMO

To: David Malone, Public Works
From: Inga Williams, Associate Planner, Community Development
Date: March 3, 2023
Subject: **Annexation of property into the Philomath Fire and Rescue District**
Property Location: 22463 Wells Creek Road; T13S, R6W, Section 06B, Tax Lot 1100
Owners: Rex Burnett and Karen Burnett

The zoning of the property identified above is Forest Conservation. There is a site-built dwelling established in 1976. The property was created in its current configuration in 1973 through deed #M-42956.

Permit history includes:

C9900419	Utility Building	Finaled 10/11/99
EH90-356	Septic System Evaluation	Finaled
138-B1000629	Electrical	Finaled

The subject property is not currently within a Rural Fire Protection District. The annexation of the subject property into the Philomath Fire and Rescue District would not violate any zoning or land use regulations.

Sincerely,

Inga Williams

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of Approving a Petition) To Annex Territory and Ordering) Annexation of Such Territory into the) Philomath Fire and Rescue District)	FINDINGS OF FACT CONCLUSIONS OF LAW ORDER D 2023- _____
---	--

I. Nature of the Proceeding

The above-entitled matter coming now for the consideration of the Board of Commissioners upon a petition submitted by Rex P. Burnett and Karen A. Burnett and pursuant to ORS 198.857. The petition requests the annexation of property described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District, a special district organized pursuant to ORS Chapter 478. The Board of Commissioners held a duly advertised public hearing on April 4, 2023, in the Board of Commissioners' Meeting Room, 4500 SW Research Way, Corvallis, OR, 97333. All the evidence and testimony having been duly considered, the Board finds as follows:

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- 1) The petition for annexation was filed on March 7, 2023. The public hearing on the annexation was held on April 4, 2023, not less than twenty (20) nor more than fifty (50) days after the petition was filed.
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III. Conclusions of Law

- 1) ORS 198.857 and the Benton County Code are applicable to the request.
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IV. Order

Based on the above findings and conclusions, now, therefore, it is hereby ordered:

- 1) The petition for annexation of the territory described in Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, into the Philomath Fire and Rescue District is approved; and
- 2) The boundaries of the territory to be annexed shall be as described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2; and
- 3) The territory described in attached Exhibit "A" page 1 of 2, and map in Exhibit "A" page 2 of 2, is hereby declared annexed into the Philomath Fire and Rescue District.
- 4) Within ten (10) days of the date of this Order, staff is directed to file duplicate copies of this Order with the Oregon Department of Revenue, the Oregon Secretary of State, the Benton County Director of Records and Elections, and the Benton County Assessor.

Adopted this _____ day of April, 2023.

Signed this _____ day of April, 2023

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Approved as to form:

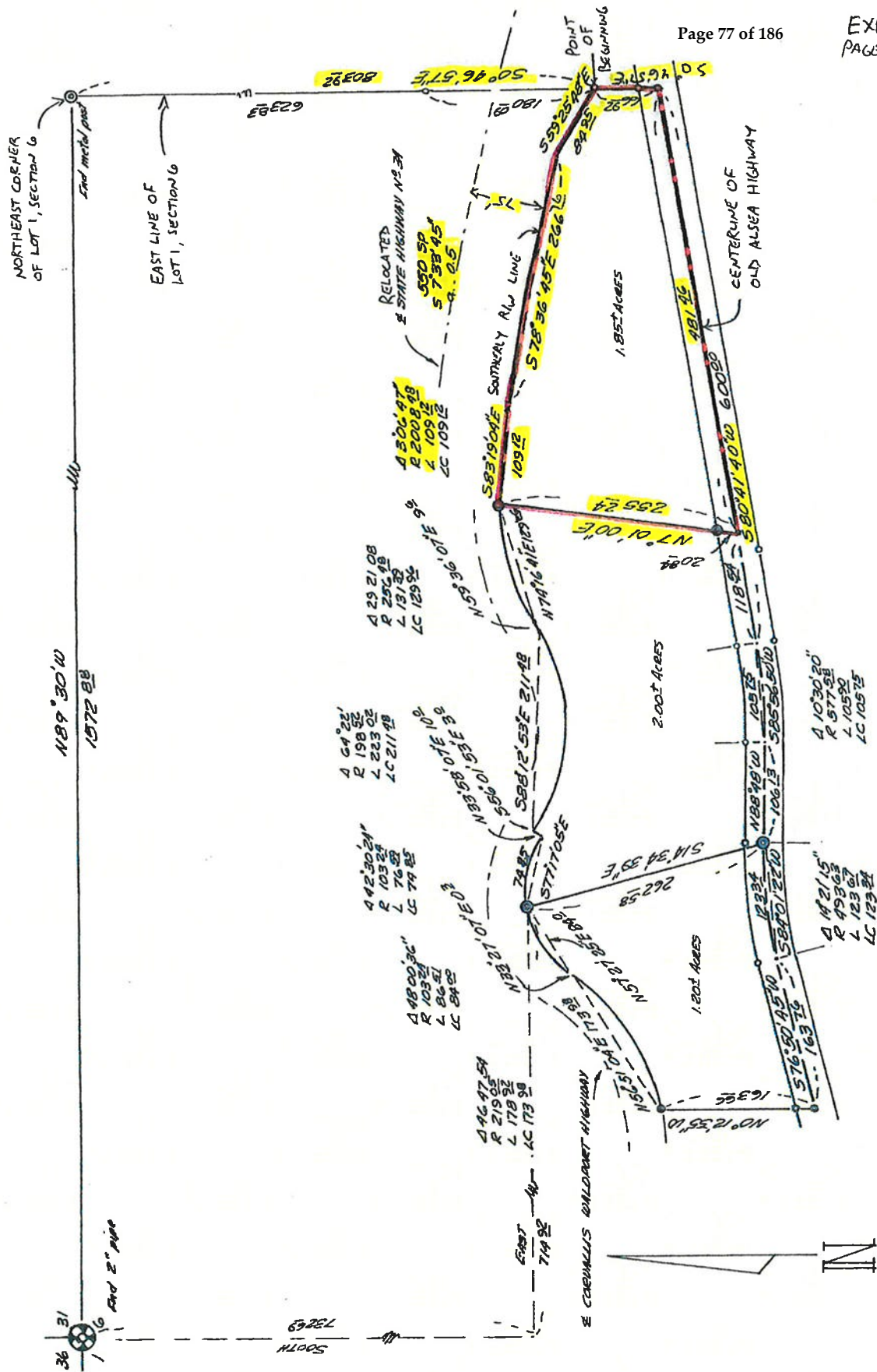
Xanthippe Augerot, Commissioner

Vance Croney, County Counsel

Nancy Wyse, Commissioner

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All in said Lot 1, Section 6, Township 13 South, Range 6 West, Willamette Meridian, Benton County, Oregon.



SECTION 6 T13S, R6W, WM.

OLD BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Inga Williams

Phone Extension * 6027

Meeting Attendee Name * Inga Williams

Agenda Item Details



Item Title * Order #D2023-039 - Adopting Findings Approving Revised Conditions of Approval in an Expansion of a Rock Quarry Boundary in Land Use Case No. LU-22-047

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☒ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement * ☒ Yes
☐ No

Name of
Board/Committee

Planning Commission

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues***

In the Matter of Adopting Findings Approving Revised Conditions of Approval in an Expansion of a Rock Quarry Boundary in Land Use Case Number LU-22-047

Options*

Approve the Order

Decline to approve the Order

Fiscal Impact*

☐ Yes

☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.
 The Board of Commissioners made a motion on March 21, 2023 to approve George and Tracy Foster's appeal of the Planning Commission decision on their land use application. The Order is required to encapsulate the Commissioners' findings for the decision.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☒ NA

Explain Core Values Selections * None

Focus Areas and Vision * Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☒ NA

Explain Focus Areas and Vision Selection * None

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations* Approve Order #D2023-039

Meeting Motions* I move to ...
approve Order #D2023-039

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Order D2023-039.pdf

135.87KB

Order D2023-039 Exhibit A.pdf

745.73KB

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

MAURA KWIATKOWSKI

1.

Department Approval

Comments

Signature

Hanka Kwiatkowski

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amara Wakepeace

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, COUNTY OF BENTON**

In the Matter of Adopting Findings Approving)	ORDER #D2023-039
Revised Conditions of Approval in an)	
Expansion of a Rock Quarry Boundary)	
in Land Use Case Number LU-22-047)	

WHEREAS, the Community Development Department received an application for a Conditional Use Permit for the expansion of a rock quarry to gain access to quality rock products and deemed it complete on September 6, 2022; and

WHEREAS, the application was reviewed as a quasi-judicial matter by the Community Development Department, which recommended approval of the application with conditions; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the Conditional Use Permit application on January 3, 2023, at which the Planning Commission heard staff testimony, public testimony, and applicant testimony and determined that further information was required prior to their deliberation on a decision, and so held the record open for one week; and

WHEREAS, on January 17, 2023, the Planning Commission reconvened for deliberations and approved the application with eight Conditions of Approval and nine Conditions of Operating Approval; and

WHEREAS, the applicant filed a timely appeal to the Board of Commissioners, objecting to Conditions of Preliminary Approval numbers 2 and 3 and Conditions of Operating Approval numbers 4 and 6 to the Board of County Commissioners; and

WHEREAS, the applicant and county staff collaboratively addressed the issues and provided a revised set of the four appealed conditions for Commissioner review.

WHEREAS, the Board of County Commissioners held a duly advertised public hearing on March 21, 2023, and considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, staff testimony, public testimony, and applicant testimony, and voted to approve the application with revised Conditions of Approval and Conditions of Operating Approval as presented by staff.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDERS AS FOLLOWS:

A. FINDINGS OF FACT

The Planning Commission was shown a map image of the property which indicated a stream along northern edge of the existing quarry, roughly following the boundary between the existing and proposed quarries. Based in large part on that map, the Planning Commission determined the indicated stream warranted riparian protection and imposed conditions requiring a 100-foot setback from the stream, a riparian restoration plan and a conservation easement.

On March 3, 2023, Community Development Director Darren Nichols, Associate Planner Inga Williams, and County Counsel Vance Croney met applicant George Foster at the subject property (Tax Account #147180000200) to conduct a site inspection.

Upon inspection of the property, it was apparent to staff that the applicants are correct, there is no stream in the location indicated on the map. The existing surface water is a seasonal stream which flows from above the quarry to the northwest, then south before turning southeast around the existing quarry. The map stream location is incorrect.

There is water discharge from the existing quarry, but it is generated by subsurface water emerging in the existing quarry, exiting on the western side of the quarry. From there, the runoff is captured in an existing detention pond required by the Oregon Department of Geology and Mineral Industries (DOGAMI) before flowing under the existing roadway to a second and third set of ponds, as well as an oil and water separator basin, all of which are included in the applicants' current DOGAMI permit.

a. Conclusion

The Board concludes, based on the findings above, that the riparian and stormwater pollution control Conditions of Preliminary Approval numbers 2 and 3 and Operating Approval number 6 approved by the Planning Commission did not fit the on-site topography and stream location based on the on-site property conditions and the existing pollution control measures in place.

The Board concludes that the Conditions of Operating Approval number 4 regarding noise level requirements and complaints received was too broad and reduced the area of complaint to adjacent "noise sensitive property."

B. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

The application for a quarry expansion is hereby **APPROVED** with the conditions as included in Exhibit A, which is incorporated herein and made a part of this order.

Adopted this 4th day of April, 2023.

Signed this 4th day of April, 2023.

Approved as to form:

Vance M. Croney

Vance M. Croney, County Counsel

BENTON COUNTY BOARD OF
COMMISSIONERS

Pat Malone

Pat Malone, Chair

Xanthippe Augerot

Xanthippe Augerot, Vice Chair

Nancy Wyse

Nancy Wyse, Commissioner

Exhibit A

Conditions of Preliminary Approval

The following Conditions shall be met within two years of the date of decision; the Planning Commission may grant one extension for up to a year prior to the expiration of the preliminary approval period if the applicant submits to the Benton County Community Development Department a written extension request stating the reasons preventing completion within the approval period. Failure to complete the Conditions within the period of validity shall render this Conditional Use Permit void.

P1: The applicant shall obtain required permits from the:

- Oregon Department of Environmental Quality for air quality, stormwater runoff, and wastewater.
- Oregon Department of Geology and Mineral Industries (DOGAMI) for site reclamation and mine safety standards.
- Oregon Department of State Lands for earth removal and fill permits for activities conducted in wetlands and waterways.
- Oregon Water Resources Department for water rights for consumptive use of water for processing.

The applicant shall provide an electronic copy of each agency's permit to the Community Development Department immediately upon receipt of each permit.

P2: Applicant or quarry operator must seasonally buffer 100' on all sides of their final discharge pond and 50' on both sides of its discharge within the CUP permitted area. The buffer means there will be no ordinary ground-disturbing quarrying activities in the buffer area at times when water is actively flowing. The existing roads within the seasonal buffer zone, however, are exempt from this buffer restriction and machinery travel on existing roads is not restricted in this buffer area. When water is actively flowing, the applicant or quarry operator may be required to utilize additional commonly accepted stormwater best practices to protect disturbed areas from erosion.

Applicants are further allowed to perform pond maintenance and construction at times there is no active flow. All such activities will be done in accordance with rules and best practices established and enforced by DOGAMI.

The seasonal buffer zone is identified as that portion of the subject property outlined in yellow on the attached map, labeled Exhibit A and incorporated herein by reference. The portion of the subject property subject to this conditional use approval is outlined in blue. The existing quarry is outlined in red.

The applicant or operator shall permanently mark the seasonal buffer area in a manner that allows quarry personnel to clearly see the demarcated area.

P3: The property owners shall submit a copy of the Stormwater Pollution Control Plan (SWPCP) to the County. Any violation of the SWPCP shall be corrected within 30 days or as provided

by SWPCP regulations, whichever is sooner. If the correction is not timely made, the County may suspend quarry activities until the correction is made.

- P4: All quarry operations and associated activity will remain at least 75 feet, measured horizontally as if on a map, from right-of-way of South Mountain Road. The property/right-of-way boundary line shall be established by survey and illustrated in a record of survey recorded with the County. The applicants shall permanently mark the setback in a manner that allows quarry personnel to clearly see the demarcated area.
- P5: The applicants shall submit a copy of a DOGAMI approved reclamation plan for the expansion area to the Community Development Department.
- P6: The applicants maintain all existing trees within the 75-foot setback from South Mountain Road and will plant more trees to provide a screen between the road and the quarry. The applicant may request staff provide a site visit to assess and indicate the location of required tree plantings.
- P7: The applicants shall place a security fence within the 75-foot buffer along South Mountain Road. The minimum fencing allowed shall be a 4-foot high, barbed wire fence. The fencing shall be placed along the full length of the north boundary of the subject property.
- P8: The applicants shall provide Community Development Department with a survey sketch of the expansion area, not to exceed 20 acres for the quarry and 2 acres for accessory uses, and located in the general area as indicated in Exhibit C.

Conditions of Operating Approval

The following Conditions apply to the property and shall be met by current and future owners of the property and operators of the quarry. These conditions shall apply for the duration of the quarrying operation:

- Op1: The property owners shall maintain the security fence along South Mountain Road in good condition until the quarry ceases operation.
- Op2: The property owners shall maintain all trees within the seasonal buffer area identified in Exhibit A and shall replace any dead trees until the earlier of the lifespan of the quarry or the quarry ceases operations.
- Op3: The property owners shall maintain the riparian habitat within any state-regulated or required riparian buffer along Cedar Creek and replace dead vegetation consistent with such regulations.
- Op4: The property owners shall meet noise level requirements set by Oregon Administrative Rules Chapter 340, Division 35, NOISE CONTROL REGULATIONS, 340-035-0035, Noise Control Regulations for Industry and Commerce.
- If any complaints are received by the Department of Environmental Quality or the County from an adjacent “noise sensitive property”, as that term is defined by the DEQ, the County may require the applicant to provide a noise study. If the noise study indicates that noise levels exceed the State’s allowable levels, the property owners shall provide a mitigation plan to decrease noise levels.

- A new noise study may be required when mitigation has been in effect for 1 month. If noise from the quarry operation continues to exceed allowable levels, the County may require additional noise mitigation including but not limited to ceasing operations or revoking this conditional use permit if noise mitigation is insufficient to comply with the DEQ noise standards.

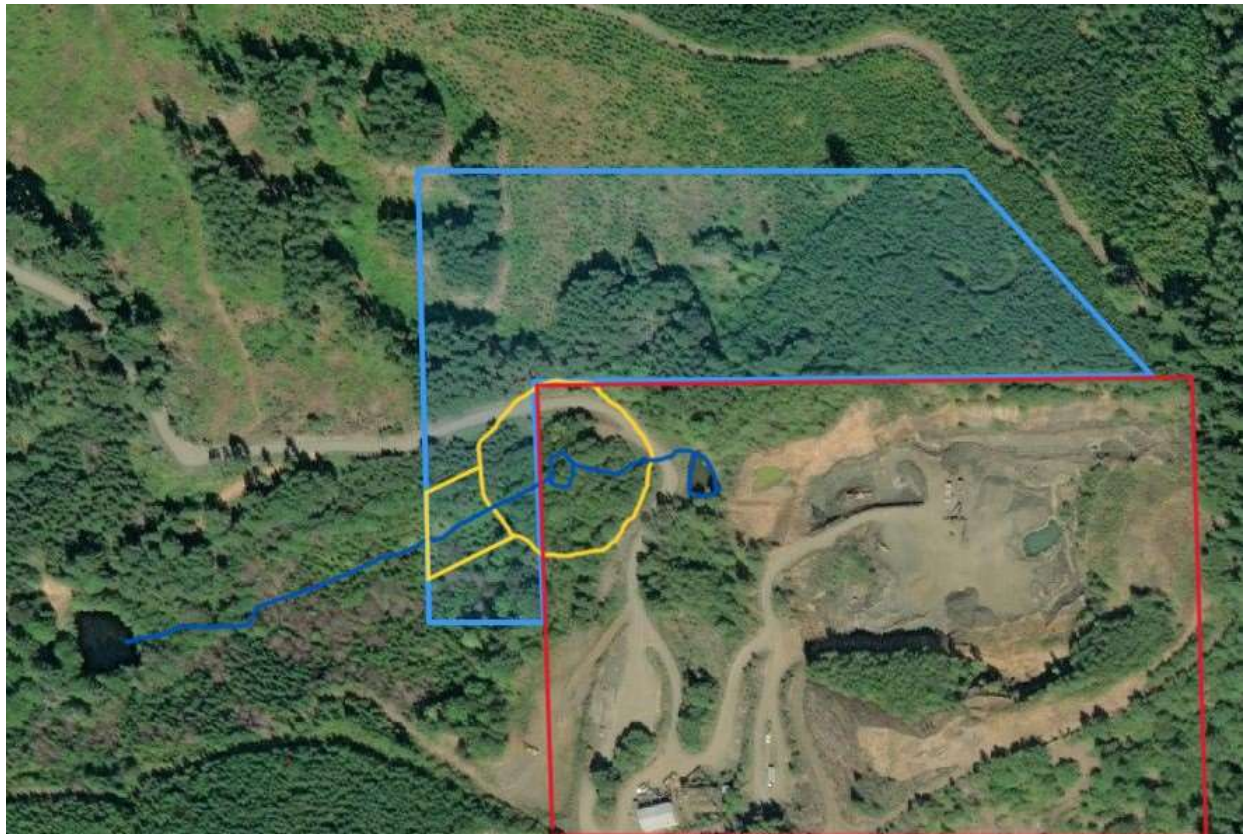
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Op6: Once a year, the County may inspect the subject property utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report.

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Op8: The expansion area is limited to an area not to exceed 20 acres. Accessory uses to the quarry are limited to an additional 2 acres. The total area of quarry expansion and accessory uses shall not exceed 22 acres.

Op9: The property owners shall not excavate in a manner which would result in disturbance of perimeter fencing or screening or would impair the intent of the reclamation plan.



**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, COUNTY OF BENTON**

In the Matter of Adopting Findings Approving)	ORDER #D2023-039
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Adopted this 4th day of April, 2023.

Signed this 4th day of April, 2023.

BENTON COUNTY BOARD OF
COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Approved as to form:

Vance M. Croney, County Counsel

Nancy Wyse, Commissioner

Exhibit A

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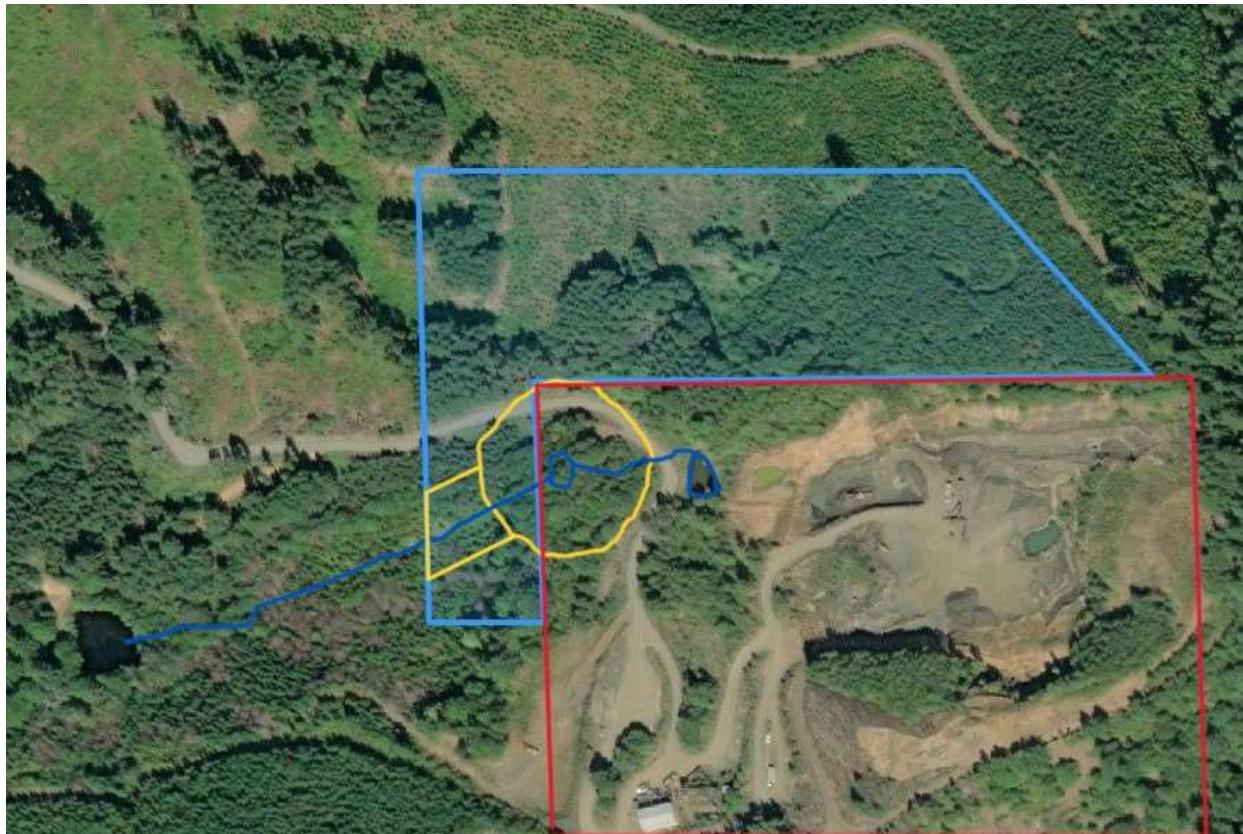
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NEW BUSINESS

7.1 Annexation into Philomath Fire & Rescue; Burnett - Public Hearing and New Business

Please find the Checklist and Materials and signed
for this item under Public Hearing 1 Order

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Dave Malone

Phone Extension * 6284

Meeting Attendee Name * Dave Malone

Agenda Item Details



Item Title * Acceptance of right-of-way dedication and Easements for Starr Creek Road, County Road No. 35300

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☒ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Page 94 of 186

Item Issues and Description

Identified Salient Issues *

Over the course of 2018 thru 2020, Starr Creek Road (County Road No. 35300) was extended to reconnect with Hells Canyon Road (County Road No. 36930), as identified by the Community Wildfire Protection Plan (CWPP). This project involved road construction with accompanying slopes and drainage culverts, as well as one large culvert at a stream crossing. During the course of this project it was necessary to gain new right-of-way and easements to accommodate the location of the new road, slopes and culverts, as the existing right-of-way location from 1916 could not accommodate current emergency vehicular traffic. The north end of the project was constructed summer of 2018, with some items scheduled to be finished summer 2020. The south end of the project was constructed during the summers 2019 and 2020. New right-of-way was dedicated to Benton County and a slope easement and a drainage way and culvert easement were granted to Benton County by Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company.

Options *

- 1) Accept the right-of-way dedication, slope easement, and drainage way and culvert easement.
- 2) Deny the right-of-way dedication, slope easement, and drainage way and culvert easement.

Fiscal Impact *

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Mandated Service? ^{*} ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description ^{*} If this agenda checklist describes a mandated service or other function, please describe here.
 Right of way is managed by the Public Works Department.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values ^{*} Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections ^{*} The connection of the road between Starr Creek Road and Hells Canyon Road will help meet the goals of the CWPP to provide alternate routes for emergency access and will help the community respond to natural disasters like fire.

Focus Areas and Vision ^{*} Select all that apply.

- ☐ Community Safety
- ☒ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☒ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection ^{*} The connection of the road between Starr Creek Road and Hells Canyon Road will help meet the goals of the CWPP to provide alternate routes for emergency access and will help the community respond to natural disasters like fire.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations *

Staff recommends that the Board of Commissioners accept the right-of-way dedication, slope easement, and drainage way and culvert easement from Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company.

Meeting Motions *

I move to ...

....accept the right-of-way dedicated to Benton County for road and utility purposes; to accept the slope easement granted to Benton County; and to accept the drainage way and culvert easement granted to Benton County by Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, all for Starr Creek Road, County Road No. 35300.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Starr Creek Attachment.pdf

1.74MB

Comments (optional) The right-of-way dedication, slope easement, and drainage way and culvert easement were granted by the landowner at no cost to accommodate the construction of Starr Creek Road and for the future maintenance of the road.

Dave will bring originals to the BOC meeting for signatures.

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

1.

Department Approval

Comments

Signature

Gary Stockhoff

2.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

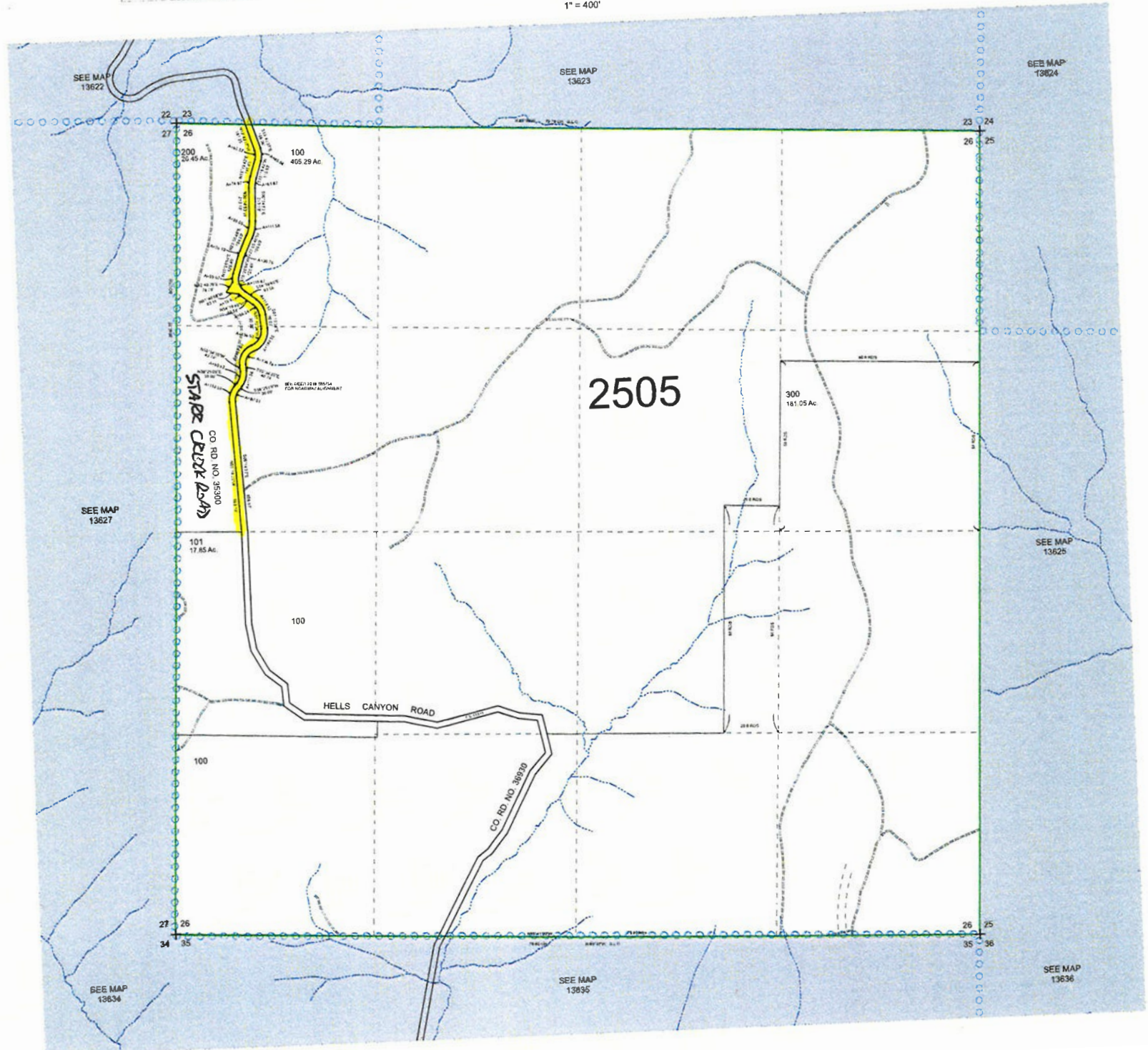
3.

BOC Final Approval

Comments

Signature

Amara Wakepeace

VICINITY
MAP

COPY

After Recording Please
Return to:
Benton County Public Works
360 SW Avery Avenue
Corvallis, OR 97333

T 13 S, R 6 W, Sec. 26
Tax Lot 00100
Starr Creek Road No. 35300

RIGHT OF WAY DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT **Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company**, does hereby dedicate unto **Benton County**, a political subdivision of the State of Oregon, a 40 foot wide strip of land for road and utility purposes, from that parcel described in deed record 2016-551184, Benton County Deed Records, Benton County, Oregon; situated in Benton County, State of Oregon, more particularly described as follows:

See description Exhibit "A-5" and map Exhibit "B-5" attached hereto.

Dated this 22 day of November, 2021.

Franklin-Clarkson Timber Co, LLC,
a Delaware limited liability company

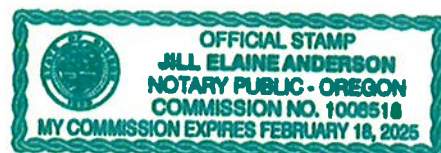
By: Franklin-Clarkson REIT, Inc.
Its: Managing Member

By: [Signature]
Name: Mark Simmons
Title: CFO, Treasurer, and Secretary

STATE OF Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on November 22, 2021, by Mark Simmons as CFO, Treasurer, and Secretary of Franklin-Clarkson REIT, Inc., the managing member of Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, on behalf of the limited liability company.

[Signature]
NOTARY PUBLIC FOR State of Oregon
My Commission Expires 2/18/2025



ACCEPTED BY BENTON COUNTY
BOARD OF COMMISSIONERS

By: _____
Chair, Board of Commissioners

Date: _____

Approved As To Form

Office of County Counsel

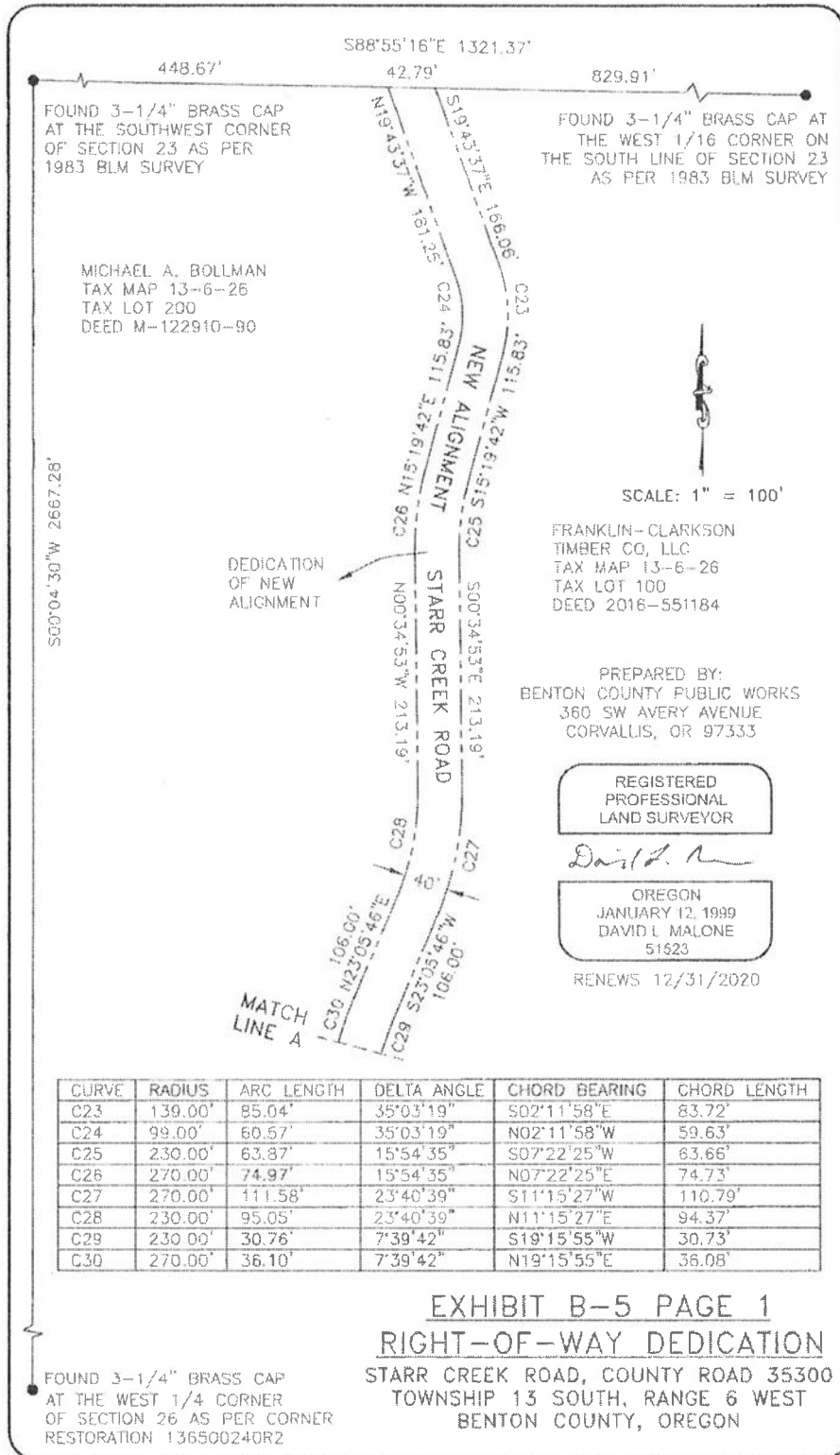
Exhibit A-5

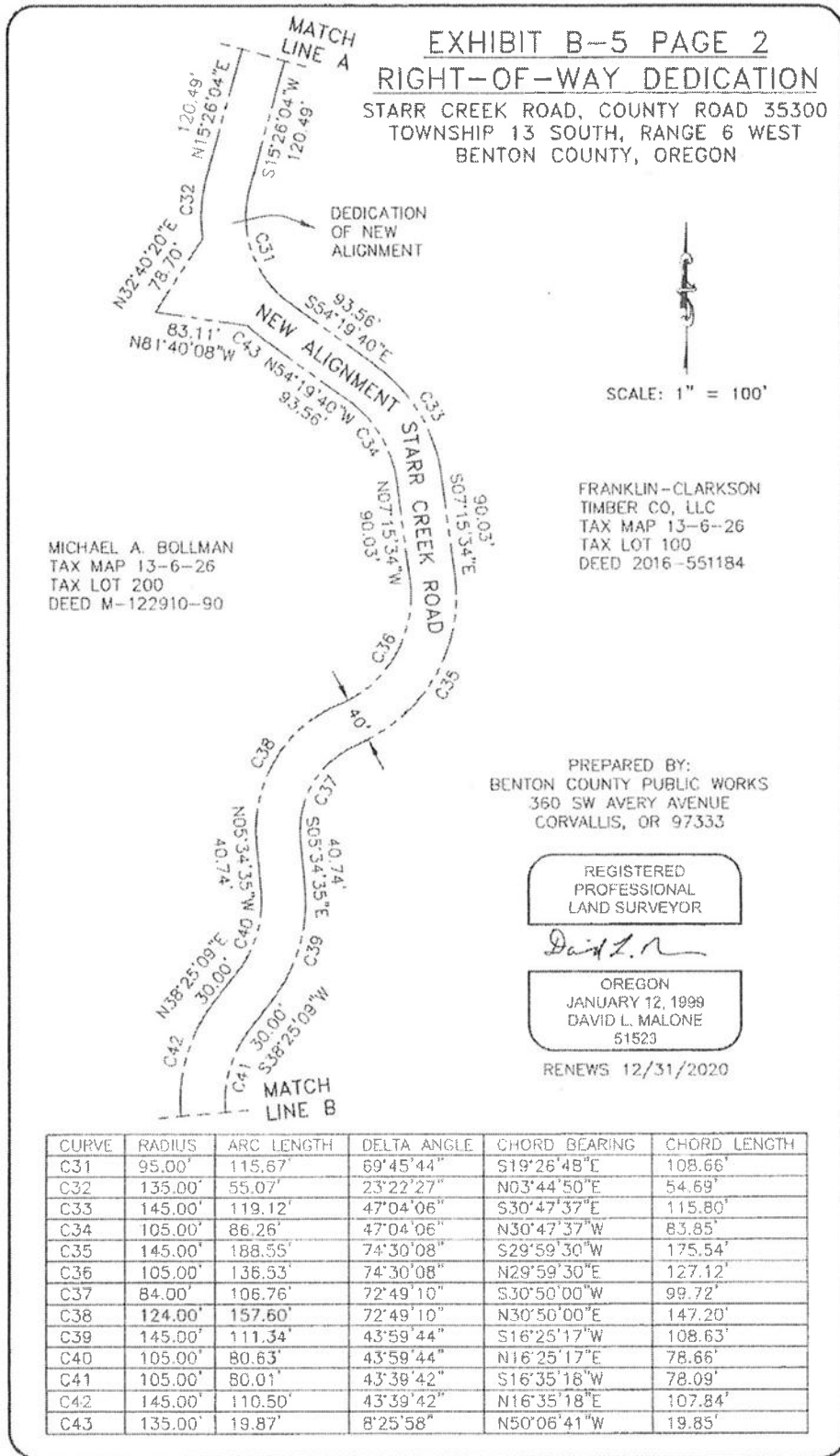
Being a portion of that property conveyed to Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, as described in Benton County deed record 2016-551184, Benton County, Oregon, and being located in Section 26, Township 13 South, Range 6 West of the Willamette Meridian, Benton County, Oregon, said portion being all of that Franklin-Clarkson Timber Co, LLC property that is contained within the property being dedicated, the property being dedicated being more particularly described as follows:

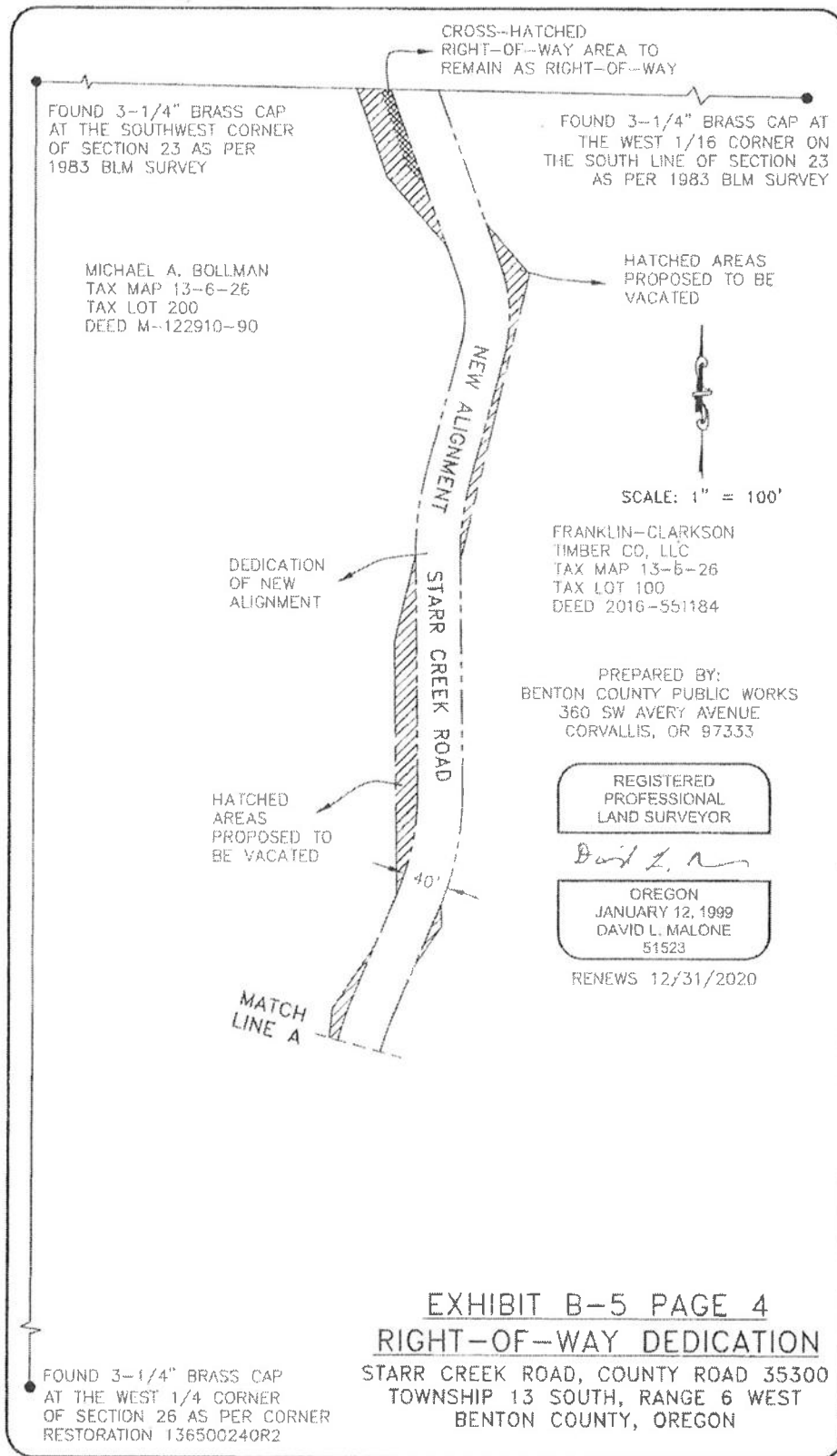
Commencing at a 3-1/4 inch brass cap at the northwest corner of the aforementioned Section 26; thence along the north line of said Section 26 South 88°55'16" East, 448.67 feet to the point of beginning of the property being dedicated; thence continuing along said north line South 88°55'16" East, 42.79 feet; thence leaving said north line South 19°43'37" East, 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East, 83.72 feet); thence South 15°19'42" West, 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West, 63.66 feet); thence South 0°34'53" East, 213.19 feet; thence 111.58 feet along a 270.00 foot radius curve to the right (the long chord of which bears South 11°15'27" West, 110.79 feet); thence South 23°05'46" West, 106.00 feet; thence 30.76 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 19°15'55" West, 30.73 feet); thence South 15°26'04" West, 120.49 feet; thence 115.67 feet along a 95.00 foot radius curve to the left (the long chord of which bears South 19°26'48" East, 108.66 feet); thence South 54°19'40" East, 93.56 feet; thence 119.12 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 30°47'37" East, 115.80 feet); thence South 7°15'34" East, 90.03 feet; thence 188.55 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 29°59'30" West, 175.54 feet); thence 106.76 feet along an 84.00 foot radius curve to the left (the long chord of which bears South 30°50'00" West, 99.72 feet); thence South 5°34'35" East, 40.74 feet; thence 111.34 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 16°25'17" West, 108.63 feet); thence South 38°25'09" West, 30.00 feet; thence 80.01 feet along a 105.00 foot radius curve to the left (the long chord of which bears South 16°35'18" West, 78.09 feet); thence South 5°14'33" East, 856.87 feet; thence North 89°51'52" West, 40.18 feet to a 3/4 inch iron rod; thence North 5°14'33" West, 853.10 feet; thence 110.50 feet along a 145.00 foot radius curve to the right (the long chord of which bears North 16°35'18" East, 107.84 feet); thence North 38°25'09" East, 30.00 feet; thence 80.63 feet along a 105.00 foot radius curve to the left (the long chord of which bears North 16°25'17" East, 78.66 feet); thence North 5°34'35" West, 40.74 feet; thence 157.60 feet along a 124.00 foot radius curve to the right (the long chord of which bears North 30°50'00" East, 147.20 feet); thence 136.53 feet along a 105.00 foot radius curve to the left (the long chord of which bears North 29°59'30" East, 127.12 feet); thence North 7°15'34" West, 90.03 feet; thence 86.26 feet along a 105.00 foot radius curve to the left (the long chord of which bears North 30°47'37" West, 83.85 feet); thence North 54°19'40" West, 93.56 feet; thence 19.87 feet along a 135.00 foot radius curve to the right (the long chord of which bears North 50°06'41" West, 19.85 feet); thence North 81°40'08" West, 83.11 feet; thence North 32°40'20" East, 78.70 feet; thence 55.07 feet along a 135.00 foot radius curve to the right (the long chord of which bears North 3°44'50" East, 54.69 feet); thence North 15°26'04" East, 120.49 feet; thence 36.10 feet along a 270.00 foot radius curve to the right (the long chord of which bears North 19°15'55" East, 36.08 feet); thence North 23°05'46" East, 106.00 feet; thence 95.05 feet along a 230.00 foot radius curve to the left (the long chord of which bears North 11°15'27" East, 94.37 feet); thence North 0°34'53" West, 213.19 feet; thence 74.97 feet along a 270.00 foot radius curve to the right (the long chord of which bears North 7°22'25" East, 74.73 feet); thence North 15°19'42" East, 115.83 feet; thence 60.57 feet along a 99.00 foot radius curve to the left (the long chord of which bears North 2°11'58" West, 59.63 feet); thence North 19°43'37" West, 181.25 feet to the point of beginning, and containing 2.67 acres of land, more or less.

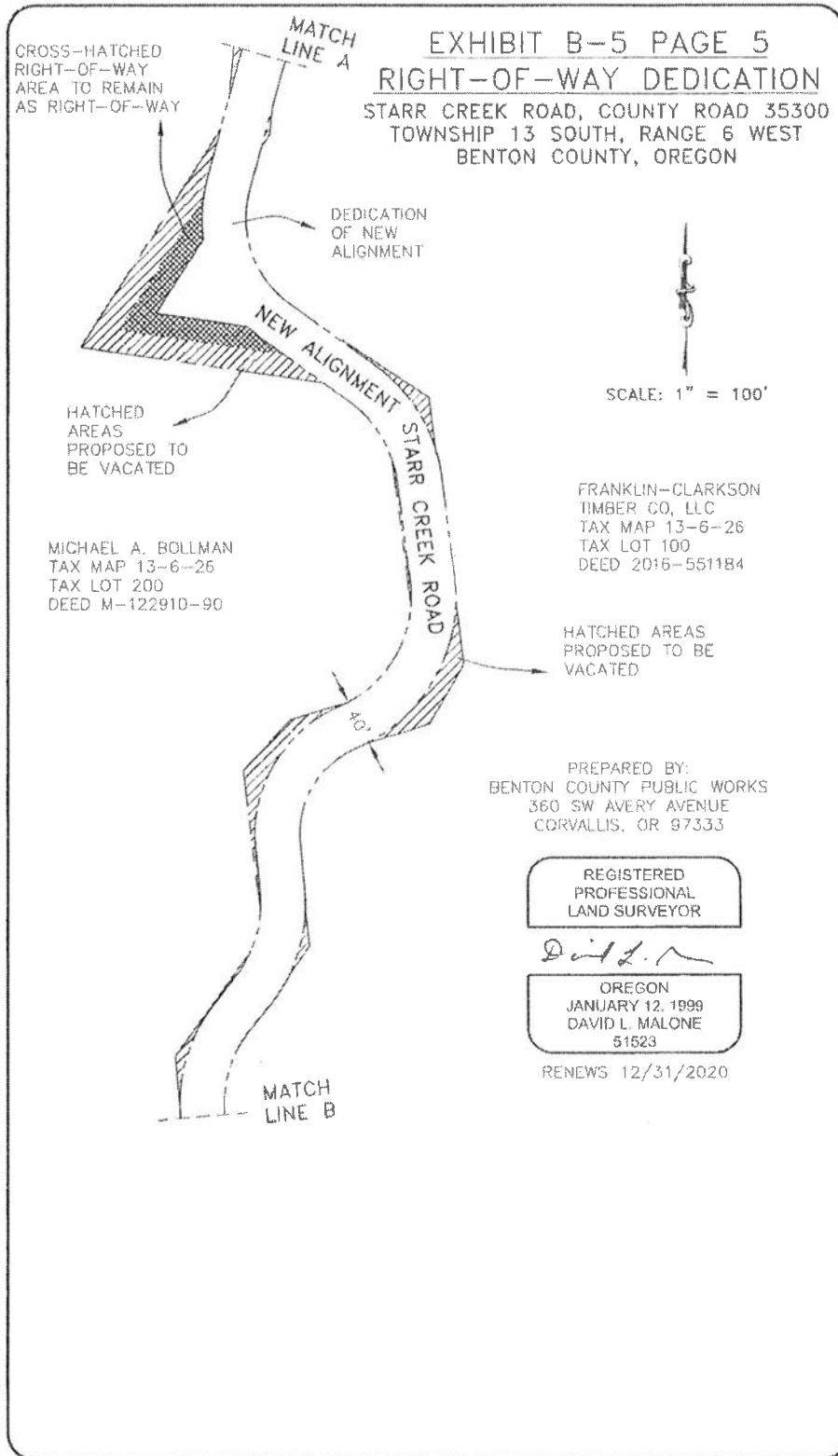
The basis of bearings for the above described portion of property is that line between the 3-1/4" brass cap at the 1/4 corner between Sections 22 and 23, Township 13 South, Range 6 West, and the 3-1/4" brass cap at the south 1/16 corner between said Sections 22 and 23, said line being South 0°06'00" West as per Benton County survey no. 2567.

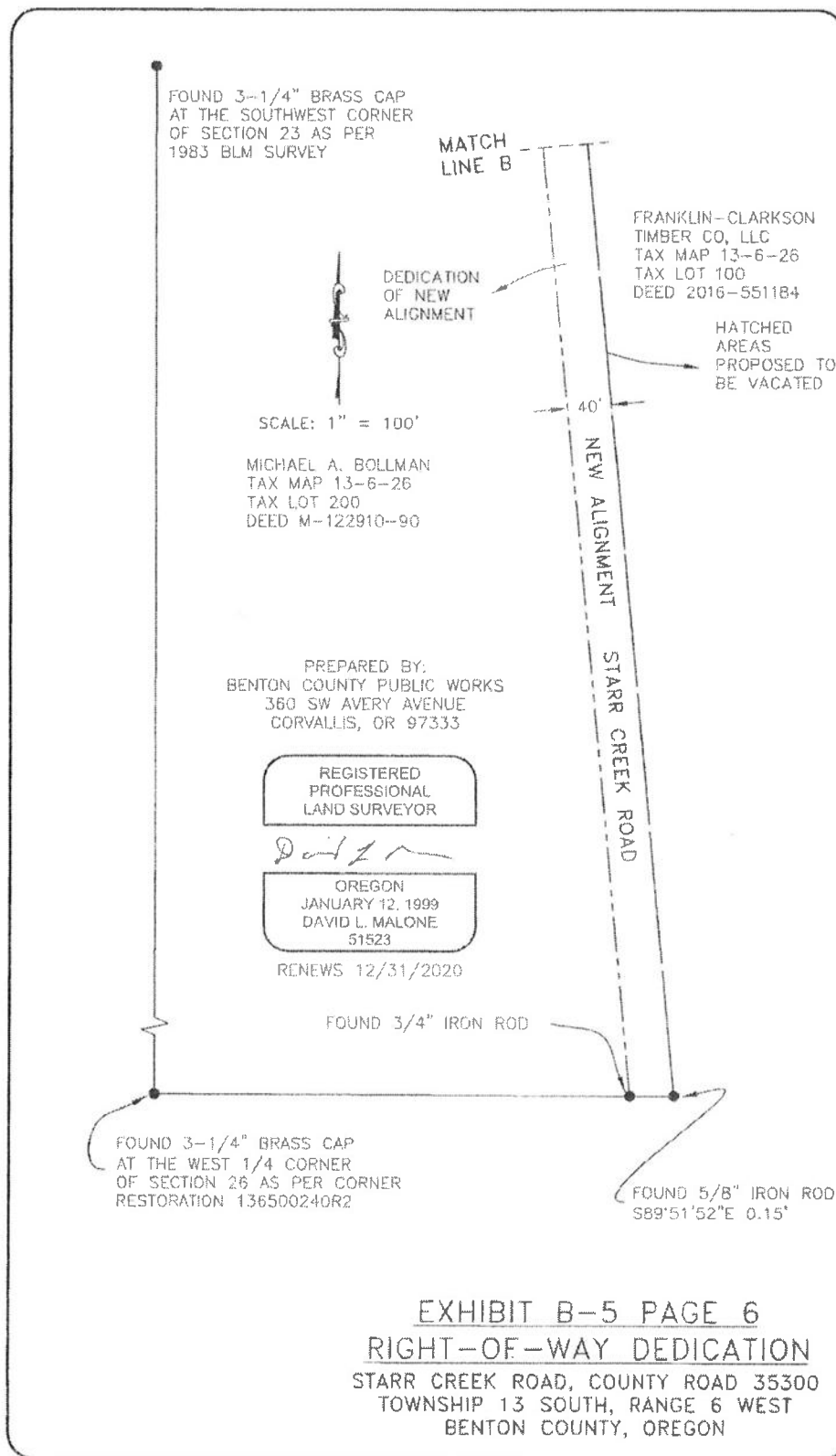
EXHIBIT B-5











COPY

AFTER RECORDING RETURN TO:
Benton County Public Works
360 SW Avery Avenue
Corvallis, OR 97333

DRAINAGE WAY AND CULVERT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, hereinafter referred to as Grantor, is the owner of the real property described herein and does hereby and forever grant unto BENTON COUNTY, a political subdivision in the State of Oregon, referred to herein as County, a permanent, nonexclusive easement for the purposes set forth below, for the benefit of Benton County, on a portion of the parcel described in the deed recorded as Instrument No. 2016-551184 of the Benton County Deed Records, Benton County, Oregon (the "Property"), over and along the full length and width of the premises described as follows, to wit (the "Easement Area"):

See the description in Exhibit "A-14" and map in Exhibit "B-14" attached hereto.

With (i) the right, privilege, and authority, to said County, to construct, maintain, replace, reconstruct, and/or remove a drainage way (the "Drainage Way") and culvert (the "Culvert") with all appurtenances incident thereto or necessary therewith, on, under and across the Easement Area, and to cut and remove from the Easement Area any trees and other obstructions which may endanger the safety or interfere with the construction, use, or maintenance of the Drainage Way and Culvert, and (ii) the right of ingress and egress to, over, and from the Property but only as reasonably necessary for the construction, use, or maintenance of the Drainage Way or Culvert.

The County shall, upon each and every occasion that the Drainage Way and Culvert is constructed, maintained, replaced, reconstructed, or removed, restore all property of Grantor, and any buildings or improvements disturbed by the County, to a condition as near as practicable as they were prior to any such installation or work, and if not practicable, then the County shall pay to Grantor a reasonable compensation for such conditions that cannot be reasonably or practicably restored. Grantor shall have no obligation to maintain, repair, or replace the Drainage Way or Culvert and shall have no liability in connection therewith.

Grantor reserves to itself, its successors and assigns, its employees, representatives, contractors, licensees, and invitees, all rights to use the surface of or near, and the airspace over, the Easement Area for any purpose (including, without limitation, for forest management activities, such as timber harvest, road construction, log and rock hauling, transportation of logging equipment and other heavy machinery, and other related activities), so long as such uses do not unreasonably interfere with the County's rights hereunder. No building or other permanent structure, dumping, or paving shall be placed upon the Easement Area without the written permission of the County.

Subject to the limitation of liability contained in the Oregon Tort Claims Act, the County shall indemnify, defend and hold harmless Grantor and Grantor's officers, directors, employees, members, managers, agents, and affiliates, and their respective successors and assigns (collectively, the "Grantor Parties") for, from, and against all claims, losses, liabilities, damages, costs, and expenses (including, without limitation, reasonable attorney fees) arising from or related to any act or omission of the County or any employees, agents, contractors, or licensees of the County in connection with their activity upon the Property.

Consideration: \$0

[Signatures and acknowledgments contained on following pages]

In Witness Whereof, the parties have caused this Drainage Way and Culvert Easement to be executed and dated this 22 day of November, 2021.

Grantor:

Franklin-Clarkson Timber Co, LLC,
a Delaware limited liability company

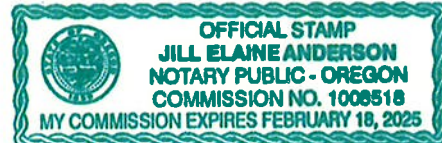
By: Franklin-Clarkson REIT, Inc.
Its: Managing Member

By: [Signature]
Name: Mark Simmons
Title: CFO, Treasurer, and Secretary

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on November 22, 2021, by Mark Simmons, as CFO, Treasurer, and Secretary of Franklin-Clarkson REIT, Inc., the Managing Member of Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, on behalf of the limited liability company.

[Signature]
NOTARY PUBLIC FOR State of Oregon
My Commission Expires 2/18/2025



[Signatures and acknowledgments continued on following page]

County:

Benton County, Department of Public Works

By: _____

Name: Gary Stockhoff

Title: Benton County public Works Director

ACCEPTED BY BENTON COUNTY
BOARD OF COMMISSIONERS

By: _____

Chair, Board of Commissioners

Date: _____

APPROVED AS TO FORM:

Office of County Counsel

STATE OF OREGON)

) ss.

County of Benton)

This instrument was acknowledged before me on March 9th, ~~2021~~ ²⁰²³, by
Gary Stockhoff as Director of Benton County,
Department of Public Works, on behalf of the County.

Amelia Grace Miller
NOTARY PUBLIC FOR Benton County
My Commission Expires 07/20/2025

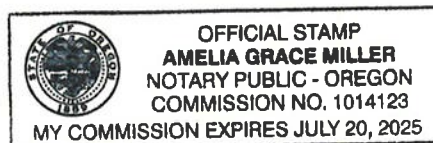


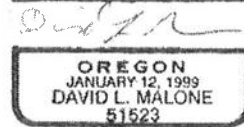
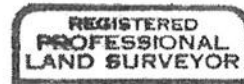
Exhibit A-14

A portion of that property described in Benton County deed record 2016-551184, Benton County, Oregon, being located in Section 26, Township 13 South, Range 6 West of the Willamette Meridian, Benton County, Oregon, said portion being more particularly described as follows:

Commencing at a 3-1/4 inch brass cap at the northwest corner of the aforementioned Section 26; thence South 23°02'11" East 1055.99 feet to the point of beginning; thence South 60°53'16" East 13.30 feet; thence South 29°06'44" West 40.44 feet to the Starr Creek Road easterly right-of-way line as dedicated by Franklin-Clarkson Timber Co. LLC; thence along said easterly right-of-way line 25.33 feet along a 95.00 foot radius curve to the right (the long chord of which bears North 7°47'48" East 25.25 feet); thence continuing along said easterly right-of-way line North 15°26'04" East 17.41 feet to the point of beginning, and containing 312 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of the aforementioned Section 26; thence South 19°20'16" East 1567.30 feet to the point of beginning; thence South 27°31'28" East 6.27 feet; thence South 62°28'32" West 10.00 feet; thence North 27°31'28" West 6.27 feet to the Starr Creek Road easterly right-of-way line as dedicated by Franklin-Clarkson Timber Co. LLC; thence along said easterly right-of-way line 10.00 feet along a 145.00 foot radius curve to the left (the long chord of which bears North 62°28'32" East 10.00 feet) to the point of beginning, and containing 62 square feet of land, more or less.

The basis of bearings for the above described portion of property is that line between the 3-1/4" brass cap at the 1/4 corner between Sections 22 and 23, Township 13 South, Range 6 West, and the 3-1/4" brass cap at the south 1/16 corner between said Sections 22 and 23, said line being South 0°06'00" West as per Benton County survey no. 2667.



RENEWED 12/21/2020

EXHIBIT B-14

EXHIBIT B-14 PAGE 1
EASEMENT FOR CULVERT
STARR CREEK ROAD, COUNTY ROAD 35300
TOWNSHIP 13 SOUTH, RANGE 6 WEST
BENTON COUNTY, OREGON

PREPARED BY:
BENTON COUNTY PUBLIC WORKS
360 SW AVERY AVENUE
CORVALLIS, OR 97333

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David L. Malone
OREGON
JANUARY 12, 1999
DAVID L. MALONE
51523

RENEWS 12/31/2020

FOUND 3-1/4" BRASS CAP
AT THE NORTHWEST CORNER
OF SECTION 26 AS PER
1983 BLM SURVEY

SCALE: 1" = 50'

LINE	BEARING	DISTANCE
L1	S60°53'16"E	13.30'
L2	S29°06'44"W	40.44'
L3	N15°26'04"E	17.41'



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	95.00'	25.33'	15°16'32"	N07°47'48"E	25.25'

EXHIBIT B-14 PAGE 2 EASEMENT FOR CULVERT

STARR CREEK ROAD, COUNTY ROAD 35300
TOWNSHIP 13 SOUTH, RANGE 6 WEST
BENTON COUNTY, OREGON

PREPARED BY:
BENTON COUNTY PUBLIC WORKS
360 SW AVERY AVENUE
CORVALLIS, OR 97333

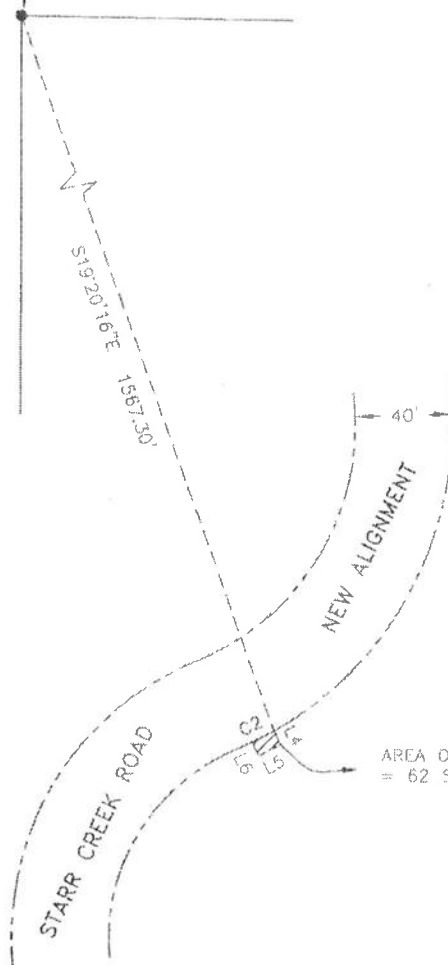
REGISTERED
PROFESSIONAL
LAND SURVEYOR

David L. Malone

OREGON
JANUARY 12, 1999
DAVID L. MALONE
51523

RENEWS 12/31/2020

FOUND 3-1/4" BRASS CAP
AT THE NORTHWEST CORNER
OF SECTION 26 AS PER
1983 BLM SURVEY



SCALE: 1" = 50'

FRANKLIN-CLARKSON
TIMBER CO, LLC
TAX MAP 13-6-26
TAX LOT 100
DEED 2016-551184

AREA OF EASEMENT
= 62 SQUARE FEET

LINE	BEARING	DISTANCE
L4	S27°31'28"E	6.27'
L5	S62°28'32"W	10.00'
L6	N27°31'28"W	6.27'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C2	145.00'	10.00'	3°57'08"	N62°28'32"E	10.00'

COPY

AFTER RECORDING RETURN TO:
Benton County Public Works
360 SW Avery Avenue
Corvallis, OR 97333

SLOPE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, hereinafter referred to as Grantor, is the owner of the real property described herein and does hereby and forever grant unto BENTON COUNTY, a political subdivision in the State of Oregon, referred to herein as County, a permanent, nonexclusive slope easement for the purposes set forth below, for the benefit of Benton County, on a portion of that parcel described in the deed recorded as Instrument No. 2016-551184 of the Benton County Deed Records, Benton County, Oregon (the "Property"), over and along the full length and width of the premises described as follows, to wit (the "Easement Area"):

See the description in Exhibit "A-13" and map in Exhibit "B-13" attached hereto.

With (i) the right, privilege, and authority, to said County, to construct, maintain, replace, and/or reconstruct a slope adjoining a county road (the "Slope"), with all appurtenances incident thereto or necessary therewith, on, under and across the Easement Area, and to cut and remove from the Easement Area any trees and other obstructions which may endanger the safety or interfere with the construction, use, or maintenance of the Slope, and (ii) the right of ingress and egress to, over, and from the Property but only as reasonably necessary for the construction, maintenance, replacement or reconstruction of the Slope. Grantor shall have no obligation to maintain, repair or replace the Slope and shall have no liability in connection therewith.

Grantor reserves to itself, its successors and assigns, its employees, representatives, contractors, licensees, and invitees, all rights to use the surface of or near, and the airspace over, the Easement Area for any purpose (including, without limitation, for forest management activities, such as timber harvest, road construction, log and rock hauling, transportation of logging equipment and other heavy machinery, and other related activities), so long as such uses do not unreasonably interfere with the County's rights hereunder. No building or other permanent structure, dumping, or paving shall be placed upon the Easement Area without the written permission of the County.

Subject to the limitation of liability contained in the Oregon Tort Claims Act, the County shall indemnify, defend and hold harmless Grantor and Grantor's officers, directors, employees, members, managers, agents, and affiliates, and their respective successors and assigns (collectively, the "Grantor Parties") for, from and against all claims, losses, liabilities, damages, costs and expenses (including, without limitation, reasonable attorney fees) arising from or related to any act or omission of the County or any employees, agents, contractors, or licensees of the County in connection with their activity upon the Property.

Consideration: \$0

[Signatures and acknowledgments contained on following pages]

In Witness Whereof, the parties have caused this Slope Easement to be executed and dated this 22
day of November, 2021.

Grantor:

Franklin-Clarkson Timber Co, LLC,
a Delaware limited liability company

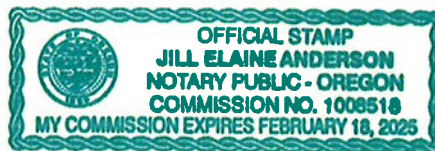
By: Franklin-Clarkson REIT, Inc.
Its: Managing Member

By: [Signature]
Name: Mark Simmons
Title: CFO, Treasurer, and Secretary

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on November 22, 2021, by Mark Simmons as CFO, Treasurer, and Secretary of Franklin-Clarkson REIT, Inc., the Managing Member of Franklin-Clarkson Timber Co, LLC, a Delaware limited liability company, on behalf of the limited liability company.

[Signature]
NOTARY PUBLIC FOR State of Oregon
My Commission Expires 2/18/2025



[Signatures and acknowledgments continue on following page]

County:

Benton County, Department of Public Works

By: 
Name: Gary Stockhoff
Title: Benton County Public Works Director

ACCEPTED BY BENTON COUNTY
BOARD OF COMMISSIONERS

By: _____
Chair, Board of Commissioners

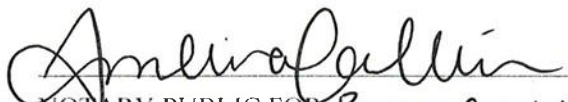
Date: _____

APPROVED AS TO FORM:

Office of County Counsel

STATE OF OREGON)
) ss.
County of Benton)

This instrument was acknowledged before me on March 9th, ~~2021~~ ²⁰²³, by
Gary Stockhoff as Director of Benton County,
Department of Public Works, on behalf of the County.


NOTARY PUBLIC FOR Benton County
My Commission Expires 07/20/2025

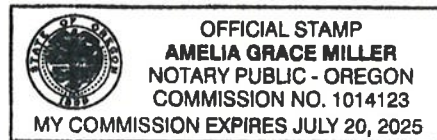


Exhibit A-13

A portion of that property described in Benton County deed record 2016-551184, Benton County, Oregon, being located in Section 26, Township 13 South, Range 6 West of the Willamette Meridian, Benton County, Oregon, said portion being more particularly described as follows:

Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to the Point of Beginning; thence leaving said north line South 19°43'37" East 110.17 feet; thence North 7°10'51" East 44.86 feet; thence North 31°14'34" West 69.09 feet to a point on the aforementioned north line of Section 26; thence along said north line of said Section 26 North 88°55'16" West 6.96 feet to the Point of Beginning, and containing 1,321 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 9.79 feet to the Point of Beginning; thence continuing South 15°19'42" West 87.13 feet; thence North 33°16'50" East 26.28 feet; thence North 15°19'42" East 35.00 feet; thence North 1°17'43" West 28.31 feet to the Point of Beginning, and containing 495 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West 63.66 feet); thence South 0°34'53" East 40.82 feet to the Point of Beginning; thence continuing South 0°34'53" East 72.17 feet; thence North 13°51'58" East 20.79 feet; thence North 3°15'55" West 32.16 feet; thence North 11°03'25" West 20.25 feet to the Point of Beginning, and containing 231 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West 63.66 feet); thence South 0°34'53" East 160.86 feet to the Point of Beginning; thence continuing South 0°34'53" East 52.33 feet; thence 111.58 feet along a 270.00 foot radius curve to the right (the long chord of which bears South 11°15'27" West 110.79 feet); thence South 23°05'46" West 29.24 feet; thence North 35°36'57" East 64.92 feet; thence North 1°07'24" East 51.39 feet; thence North 4°15'57" West 83.96 feet to the Point of Beginning, and containing 1,235 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West 63.66 feet); thence South 0°34'53" East 213.19 feet; thence 111.58 feet along a 270.00 foot radius curve to the right (the long chord of which bears South 11°15'27" West 110.79 feet); thence South 23°05'46" West 106.00 feet; thence 30.76 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 19°15'55" West 30.73 feet); thence South 15°26'04" West 66.81 feet to the Point of Beginning; thence continuing South 15°26'04" West 53.67 feet; thence 115.67 feet along a 95.00 foot radius curve to the left (the long chord of which bears South 19°26'48" East 108.66 feet); thence South 54°19'40" East 46.78 feet; thence North 12°15'14" West 101.53

feet; thence North 52°55'50" West 41.79 feet; thence North 5°00'08" West 57.28 feet to the Point of Beginning, and containing 5,686 square feet of land, more or less.

TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West 63.66 feet); thence South 0°34'53" East 213.19 feet; thence 111.58 feet along a 270.00 foot radius curve to the right (the long chord of which bears South 11°15'27" West 110.79 feet); thence South 23°05'46" West 106.00 feet; thence 30.76 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 19°15'55" West 30.73 feet); thence South 15°26'04" West 120.49 feet; thence 115.67 feet along a 95.00 foot radius curve to the left (the long chord of which bears South 19°26'48" East 108.66 feet); thence South 54°19'40" East 93.56 feet; thence 119.12 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 30°47'37" East 115.80 feet); thence South 7°15'34" East 20.01 feet to the Point of Beginning; thence continuing South 7°15'34" East 70.02 feet; thence 54.55 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 3°31'09" West 54.23 feet); thence North 17°00'22" East 28.54 feet; thence North 1°22'05" West 27.40 feet; thence North 9°02'26" West 45.04 feet; thence North 14°06'08" West 25.18 feet to the Point of Beginning, and containing 352 square feet of land, more or less.

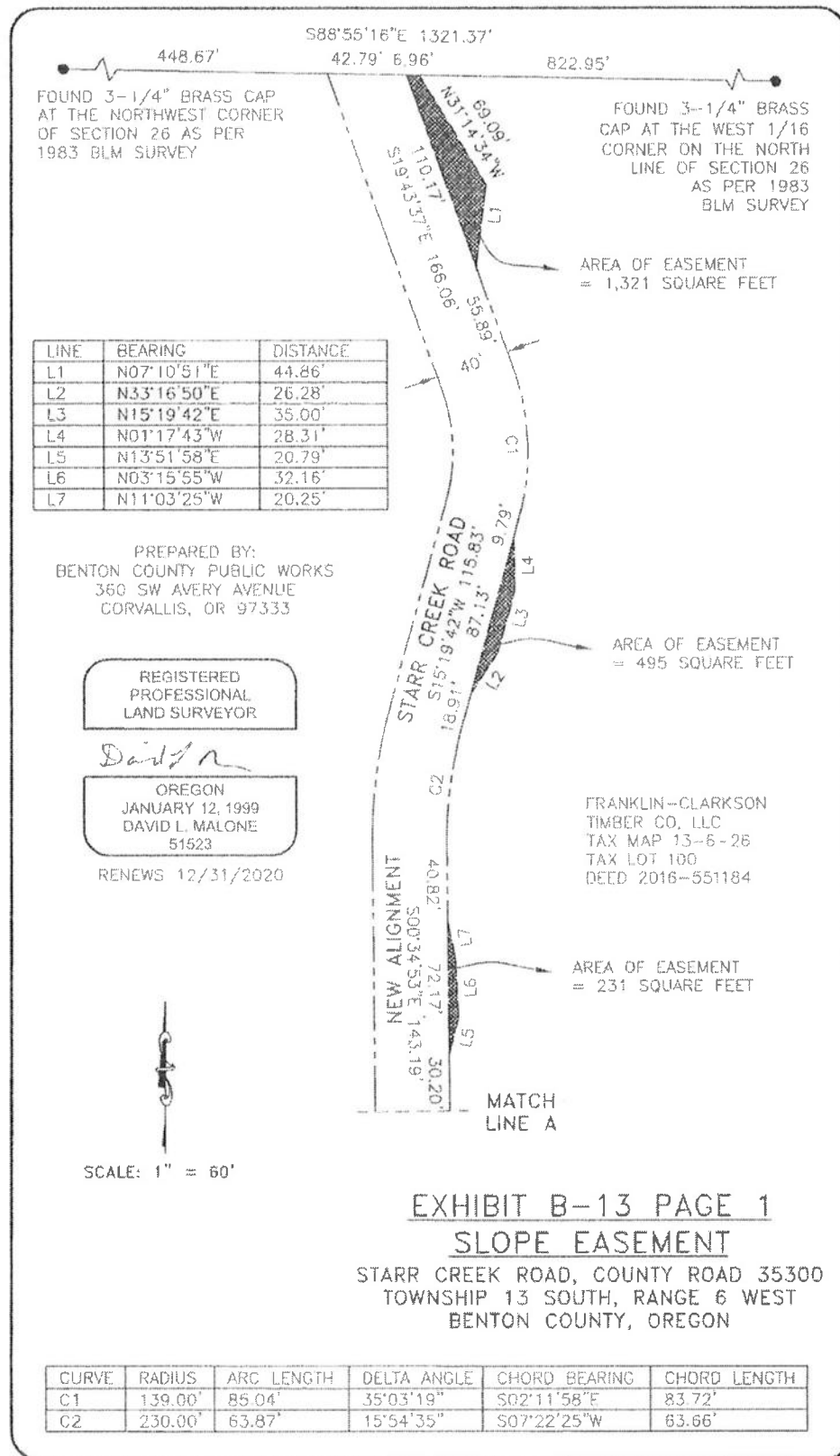
TOGETHER AND WITH: Commencing at a 3-1/4 inch brass cap at the northwest corner of Section 26; thence along the north line of said Section 26 South 88°55'16" East 491.46 feet to a point; thence leaving said north line South 19°43'37" East 166.06 feet; thence 85.04 feet along a 139.00 foot radius curve to the right (the long chord of which bears South 2°11'58" East 83.72 feet); thence South 15°19'42" West 115.83 feet; thence 63.87 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 7°22'25" West 63.66 feet); thence South 0°34'53" East 213.19 feet; thence 111.58 feet along a 270.00 foot radius curve to the right (the long chord of which bears South 11°15'27" West 110.79 feet); thence South 23°05'46" West 106.00 feet; thence 30.76 feet along a 230.00 foot radius curve to the left (the long chord of which bears South 19°15'55" West 30.73 feet); thence South 15°26'04" West 120.49 feet; thence 115.67 feet along a 95.00 foot radius curve to the left (the long chord of which bears South 19°26'48" East 108.66 feet); thence South 54°19'40" East 93.56 feet; thence 119.12 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 30°47'37" East 115.80 feet); thence South 7°15'34" East 90.03 feet; thence 54.55 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 3°31'09" West 54.23 feet); thence 133.99 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 40°46'13" West 129.27 feet) to the Point of Beginning; thence 106.76 feet along an 84.00 foot radius curve to the left (the long chord of which bears South 30°50'00" West 99.72 feet); thence South 5°34'35" East 40.74 feet; thence 111.34 feet along a 145.00 foot radius curve to the right (the long chord of which bears South 16°25'17" West 108.63 feet); thence South 38°25'08" West 30.00 feet; thence North 47°52'53" East 30.41 feet; thence 59.69 feet along a 150.00 foot radius curve to the left (the long chord of which bears North 27°01'08" East 59.30 feet); thence North 10°36'53" East 56.47 feet; thence North 9°04'18" West 64.95 feet; thence North 27°49'33" East 40.81 feet; thence North 48°08'11" East 37.32 feet to the Point of Beginning, and containing 1,580 square feet of land, more or less.

The basis of bearings for the above described portion of property is that line between the 3-1/4" brass cap at the 1/4 corner between Sections 22 and 23, Township 13 South, Range 6 West, and the 3-1/4" brass cap at the south 1/16 corner between said Sections 22 and 23, said line being South 0°06'00" West as per Benton County survey no. 2667.



Renewed 12/31/2020

EXHIBIT B-13

EXHIBIT B-13 PAGE 1
SLOPE EASEMENT

STARR CREEK ROAD, COUNTY ROAD 35300
TOWNSHIP 13 SOUTH, RANGE 6 WEST
BENTON COUNTY, OREGON

PREPARED BY:
BENTON COUNTY PUBLIC WORKS
360 SW AVERY AVENUE
CORVALLIS, OR 97333

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David L. Malone

OREGON
JANUARY 12, 1999
DAVID L. MALONE
51523

RENEWES 12/31/2020

MATCH
LINE A

AREA OF EASEMENT
= 1,235 SQUARE FEET

FRANKLIN-CLARKSON
TIMBER CO, LLC
TAX MAP 13-6-26
TAX LOT 100
DEED 2016-551184

EXHIBIT B-13 PAGE 2 SLOPE EASEMENT

STARR CREEK ROAD, COUNTY ROAD 35300
TOWNSHIP 13 SOUTH, RANGE 6 WEST
BENTON COUNTY, OREGON

AREA OF EASEMENT
= 5,686 SQUARE FEET

SCALE: 1" = 50'

MATCH
LINE B

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	270.00'	111.58'	23°40'39"	S11°15'27"W	110.79'
C4	230.00'	30.76'	7°39'42"	S19°15'55"W	30.73'
C5	95.00'	115.67'	69°45'44"	S19°26'48"E	108.66'
C6	145.00'	119.12'	47°04'06"	S30°47'37"E	115.80'

EXHIBIT B-13 PAGE 3

SLOPE EASEMENT

STARR CREEK ROAD, COUNTY ROAD 35300
TOWNSHIP 13 SOUTH, RANGE 6 WEST
BENTON COUNTY, OREGON

PREPARED BY:
BENTON COUNTY PUBLIC WORKS
360 SW AVERY AVENUE
CORVALLIS, OR 97333

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David L. Malone

OREGON
JANUARY 12, 1999
DAVID L. MALONE
51523

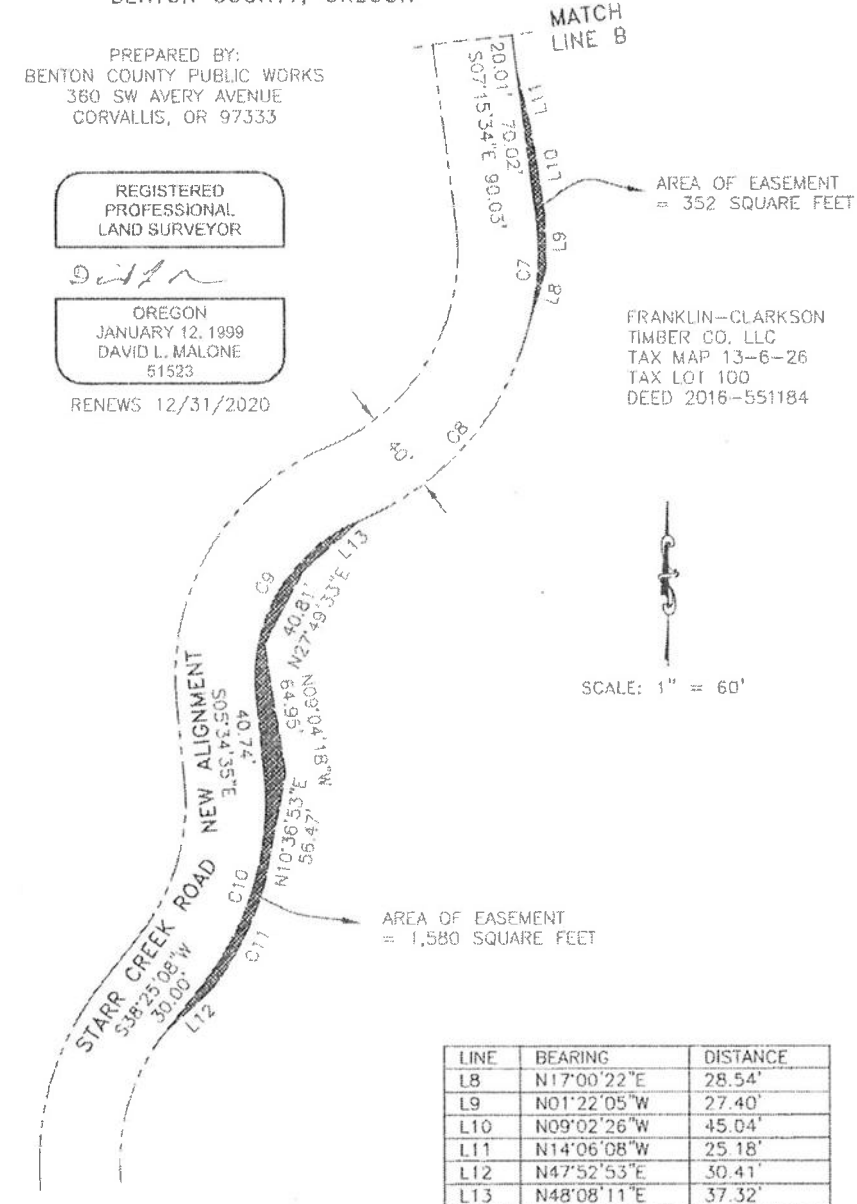
RENEWES 12/31/2020

MATCH
LINE B

AREA OF EASEMENT
= 352 SQUARE FEET

FRANKLIN-CLARKSON
TIMBER CO, LLC
TAX MAP 13-6-26
TAX LOT 100
DEED 2016-551184

SCALE: 1" = 60'



LINE	BEARING	DISTANCE
L8	N17°00'22"E	28.54'
L9	N01°22'05"W	27.40'
L10	N09°02'26"W	45.04'
L11	N14°06'08"W	25.18'
L12	N47°52'53"E	30.41'
L13	N48°08'11"E	37.32'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C7	145.00'	54.55'	21°33'25"	S03°31'09"W	54.23'
C8	145.00'	133.99'	52°56'43"	S40°46'13"W	129.27'
C9	84.00'	106.76'	72°49'10"	S30°50'00"W	99.72'
C10	145.00'	111.34'	43°59'44"	S16°25'17"W	108.63'
C11	150.00'	59.69'	22°48'02"	N27°01'08"E	59.30'

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * Maura Kwiatkowski

Phone Extension * 3531

Meeting Attendee Name * Commissioner Xanthippe Augerot

Agenda Item Details



Item Title * Appointment of Benton County Proxy for the Community Services Consortium Governing Board

Item Involves * Check all that apply

- ☒ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Page 125 of 186

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

Community Services Consortium (CSC) is part of a national and statewide network of Community Action Agencies dedicated to helping people help themselves and each other build strong, resilient communities.

Locally, CSC is the community action agency for Linn, Benton, and Lincoln counties, with select services in Polk County. CSC is supported by federal, state, and local funds, as well as private grants and donations.

CSC oversight consists of a Governing Board of local elected officials and a Community Action Advisory Council comprised of diverse community members.

All three Benton County Commissioners are members of the CSC Governing Board. Infrequent circumstances may dictate the Board of Commissioners utilize a proxy to achieve a quorum of the CSC Governing Board to conduct CSC business.

Options*

Appoint a Benton County proxy to the Community Services Consortium Governing Board.

Decline to appoint a Benton County proxy to the Community Services Consortium Governing Board.

Fiscal Impact*

- ☐ Yes
- ☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☒ Vibrant, Livable Communities
- ☒ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

The Community Services Consortium's Vision, Mission, and Philosophy support the core values of the 2040 Thriving Communities Initiative:

Vision: To end poverty in Linn, Benton and Lincoln counties.

Mission: In partnership with a caring community, we help people in Linn, Benton and Lincoln counties to access tools and resources to overcome poverty and build brighter and more stable futures.

Philosophy: People are capable of great things when offered the proper tools. We treat each client with dignity and respect and offer a supportive setting where each person learns and develops new skills.

Focus Areas and Vision *

Select all that apply.

- ☒ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☒ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☒ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☒ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

**Explain Focus Areas
and Vision
Selection***

The Community Services Consortium's Vision, Mission, and Philosophy support the core values of the 2040 Thriving Communities Initiative:

Vision: To end poverty in Linn, Benton and Lincoln counties.

Mission: In partnership with a caring community, we help people in Linn, Benton and Lincoln counties to access tools and resources to overcome poverty and build brighter and more stable futures.

Philosophy: People are capable of great things when offered the proper tools. We treat each client with dignity and respect and offer a supportive setting where each person learns and develops new skills.

Recommendations and Motions

Item Recommendations and Motions

Staff

This item is brought forward by Commissioner Xanthippe Augerot. Staff makes no

Recommendations*

recommendation regarding this item.

Meeting Motions*

I move to ...

...appoint Benton County [insert title] [insert name] to serve as Benton County's proxy to the Community Services Consortium Governing Board when so requested by the Board of Commissioners.

...decline to appoint a representative to serve as Benton County's proxy to the Community Services Consortium Governing Board.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Appointment of Proxy.pdf

50.19KB

Comments (optional)

If you have any questions, please call ext.6800

Department
Approver

MAURA KWIATKOWSKI

1.

Department Approval

Comments

Signature

Naura Kwiatkowski

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

APPOINTMENT OF PROXY

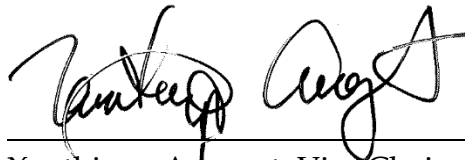
Benton County, being a member of the Community Services Consortium Governing Board, hereby authorizes Benton County Interim Health Director April Holland to vote on Benton County's behalf at meetings of the Community Services Consortium Governing Board when so requested by the Benton County Board of Commissioners.

APPROVED this Fourth day of April, 2023.

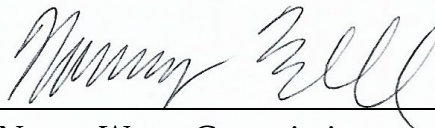
BENTON COUNTY BOARD OF COMMISSIONERS



Pat Malone, Chair



Xanthippe Augerot, Vice Chair



Nancy Wyse, Commissioner

APPROVED AS TO FORM:

DocuSigned by:



B0D67324472D4FA

Vance M. Croney, County Counsel

APPOINTMENT OF PROXY

Benton County, being a member of the Community Services Consortium Governing Board, hereby authorizes Benton County [Insert Title Here] [Insert Name Here] to vote on Benton County's behalf at meetings of the Community Services Consortium Governing Board when so requested by the Benton County Board of Commissioners.

APPROVED this _____ day of _____, 2023.

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone, Chair

Xanthippe Augerot, Vice Chair

Nancy Wyse, Commissioner

APPROVED AS TO FORM:

Vance M. Croney, County Counsel

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 15417666246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * Budget Committee Member Solicitation

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☒ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 15 minutes

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement*

☐ Yes

☒ No

Item Issues and Description

Identified Salient Issues *

To approve the biennial budgets for Benton County, Benton County 911 Emergency Communications Services County Service District, and the Benton County Library County Service District, it requires a three-member citizen committee to join the three Board of Commissioners to form the County's Budget Committee. On March 31st, one of the three citizen members resigned their position. The County is now in need of identifying and appointing a new member in order for the 2023-25 budget development process to begin on the planned date of April 18th. Staff is seeking input from the Commissioners and general public on potential candidates for this role, as well as guidance from the Commissioner on the process to follow in identifying a new member by April 18th.

Options *

Identify the process and timeframe for identifying a new member in order to meet the planned April 18th budget committee meeting start day.

Fiscal Impact *

☐ Yes ☒ No

2040 Thriving Communities Initiative

Mandated Service? ^{*} ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description ^{*} If this agenda checklist describes a mandated service or other function, please describe here.
 Local Budget Law

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values ^{*} Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☒ N/A

Explain Core Values Selections ^{*} Not Applicable

Focus Areas and Vision ^{*} Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☒ N/A

Explain Focus Areas and Vision Selection ^{*} Not Applicable

Item Recommendations and Motions

Staff

Recommendations * Identify a process to identify and appoint a new member in order to maintain the planned beginning budget committee meeting on April 18th. If unsuccessful in identifying a member through the process, consider the allowance under budget law that enable the committee to move forward with five so long as a good faith effort as been put forth to identify a new member.

Meeting Motions *

I move to ...

Not Applicable

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

MAURA KWIATKOWSKI

Department Approval

Page 139 of 186

Comments

Signature



Hanna Kwiatkowski

BOC Initial Approval

Page 140 of 186

Approvals Required ☐ Counsel

☐ Finance

☐ HR

County MAURA KWIATKOWSKI

Administrator

Approver

Comments

County Administrator Approval

Page 141 of 186

Comments

Signature



Hanna Kwiatkowski

BOC Final Approval

Comments

Signature



Hanna Kwiatkowski

DEPARTMENTAL REPORTS AND REQUESTS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Sheanna Steingass

Phone Extension * 6293

Meeting Attendee Name * Sheanna Steingass

Agenda Item Details



Item Title * 2022 Agriculture and Wildlife Protection Program (AWPP) Annual Report

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 15 min

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement*

☐ Yes

☒ No

Page 145 of 186

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues***

The annual report for the Agricultural and Wildlife Protection Program summarizes the following:

- 1) educational outreach activities conducted in 2022 as well as upcoming events,
- 2) the results of the required annual project reports from past recipients, and
- 3) the 2022 grant awards.

Options*

- 1) Approve 2022 Agriculture and Wildlife Protection Program Annual Report.
- 2) Do not approve report and advise staff on how to proceed.

Fiscal Impact*

- ☐ Yes
- ☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☐ Vibrant, Livable Communities
- ☒ Supportive People Resources
- ☐ High Quality Environment and Access
- ☒ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

The AWPP recognizes that native wildlife species are part of Benton County's natural heritage and ecosystems. It also recognizes the importance of both large and small agricultural operations in the County's diverse economic framework.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☒ Prosperous Economy
- ☒ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☒ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

The AWPP supports the use of non-lethal animal damage deterrents to prevent conflicts with wildlife. The AWPP serves to protect native wildlife, while also supporting agricultural operations seeking to protect crops and livestock from predators.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations* Staff respectfully recommends approval of the 2022 Agriculture and Wildlife Protection Program Annual Report.

Meeting Motions* I move to ...
...approve the 2022 Agriculture and Wildlife Protection Program Annual Report.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

AWPP 2022 BoC Report 3.8.23.pdf

2.07MB

Comments (optional)

If you have any questions, please call ext.6800

**Department
Approver**

GARY STOCKHOFF

1.

Department Approval

Comments

Signature

Gary Stockhoff

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amara Makepeace



Benton County Agriculture and Wildlife Protection Program

2022 Annual Report



Lucky Clucks: These chickens have new 6-foot electrified fencing to keep them safe from predators!



Happy Hooves: This grant protected goats, sheep, and reinforced enclosures for livestock guardian dogs with six foot solar energized fencing.

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1. Executive Summary

Introduction

In June 2021, the Benton County Budget Committee approved \$45,000 to fund the **Agriculture and Wildlife Protection Program (AWPP)** for the 2021-23 biennium. The Benton County AWPP began as a pilot program in 2017. The AWPP is a community grant program where farmers in the County can apply for reimbursement to implement non-lethal deterrents to prevent and mitigate conflicts with wildlife. In the current biennium, \$45,000 in funding was approved for the AWPP. Of the \$45,000:

- \$35,000 was allotted for reimbursable grants to protect livestock and prevent conflicts with wildlife.
- \$5,000 was allotted for unexpected conflicts with beavers that arose after the annual grant application deadline; in fall 2022, this was later expanded to a general 'emergency grant' for all wildlife conflicts as there had not been any applications for beaver-specific issues.
- \$5,000 was allotted for program outreach and education.

AWPP grants have continued to be awarded annually since 2018 after the initial pilot phase. Successful applicants are required to keep annual project records, report conflicts with wildlife, evaluate their project, and abide by program requirements for three years following the completion of their project.

This annual report summarizes:

- (1) Programmatic updates,
- (2) A summary of data from awarded grants, and
- (3) The awarding and status of the 2022 grants, as well as ongoing emergency grant projects.

Educational Outreach

Activities in the past twelve months have included the updating and addition of resources to the AWPP webpage, purchases of outreach materials, the broadening of the year-round 'beaver' fund into an 'emergency fund' for residents to apply for non-lethal deterrents after suffering livestock loss from predation, and planning for future outreach and engagement around the AWPP. A new webinar series, 'Bea-vallis' took place in Spring 2022 and the Environmental Project Coordinator presented a brief online presentation on beaver management in Benton County. We continue to maintain and enhance a "Lending Toolbox" (<https://www.co.benton.or.us/awpp/page/lending-toolbox>) to give county residents the opportunity to try non-lethal deterrent devices and materials before purchasing them for themselves.

Grant Program Results

In 2022, the AWPP awarded **\$25,595.07 in grants to six Benton County farms** for non-lethal wildlife deterrence projects, including one emergency award for fencing to a farm experiencing predation issues. Two emergency projects are ongoing and will address poultry losses in winter 2022-23. Of the six grants awarded during the competitive round, four successfully completed their projects. Two projects were not completed, with one citing weather and ground saturation issues. This applicant plans to re-apply during the next grant cycle.

New 'Emergency Grants'

The AWPP Committee discussed and came to the consensus to make non-allotted grant funds and the beaver-specific funds part of a larger 'Emergency Fund' after being contacted by several residents who lost poultry, ungulates or other livestock to predation in 2022. This new Emergency Grant will enable the majority of funds to be used biennially even if the regularly-awarded projects are not completed or come in under budget. There are currently **three** ongoing emergency grants: one for goats and sheep, one for poultry, and one for a farm with a diversity of livestock.

Appendix III of this report contains an updated summary infographic of the program's impact since inception for local farms and their livestock.

While there were no beaver-specific projects that requested funding in 2022, extensive communication with local watershed districts, NMFS, ODFW and USDA has resulted in a better and improving communication network for local residents experiencing beaver-related property damage. In mid-2022, an additional USDA grant for outreach activities and materials in relation to non-lethal beaver management became available for Oregon counties, including Benton County. USDA is a new partner in non-lethal management of beaver conflict with this new revolving fund for mitigation devices and training for installation of these assemblies across the state. However, this is a continually evolving process.

2. Purpose and Structure

The purpose of the AWPP program is to provide: (1) a merit-based, cost share, competitive reimbursement grant program for Benton County farms and (2) educational outreach and expert consultation services around non-lethal wildlife deterrence for Benton County residents.

Agricultural operations in Benton County that wish to prevent conflicts with wildlife may qualify to be reimbursed for the purchase and implementation of approved non-lethal wildlife deterrents to protect livestock and crops.

This community-based program is funded by Benton County and managed by county staff in partnership with citizen volunteers and representatives from local agricultural and wildlife organizations, which form the Grant Committee.

Education and consultation services are provided by Benton County, Oregon State University Extension Service, Chintimini Wildlife Center, and Program Advisors. The Program Advisors include national experts in ranching with wildlife, predator ecology, and human-carnivore conflict.

Lastly, the AWPP has a variety of online and printed informational resources for community members as well as a 'Lending Toolkit' which contains non-lethal deterrent options including fence extenders, acoustic

deterrents and visual deterrents that can be checked out and tested by farms who would like to try different deterrent methods.

3. Program Goals

The primary goals of the **Benton County Agriculture and Wildlife Protection Program** are to:

- ✓ **Protect** livestock, crops and property while coexisting with wildlife;
- ✓ **Provide opportunity** for use of non-lethal animal damage deterrents to prevent conflicts with wildlife;
- ✓ **Educate** farmers and the community about wildlife conflicts and non-lethal alternatives of control;
- ✓ Build a **collaborative relationship** between the farming and wildlife conservation communities and Benton County government around common goals.

The AWPP does not evaluate or make recommendations on everyday animal husbandry practices, farm animal welfare, wildlife habitat, or land use.

4. Proposed Grant Cycle Changes for 2023 and Beyond

The AWPP Coordinator spoke with multiple grant recipients opportunistically to discuss the current grant timeline. All of these farmers noted that summer was a challenging application period because of the busy outdoor season. Furthermore, fall is not an ideal implementation time because of inopportune weather (rain, mud and cold) and dwindling light availability.

In fall 2022, the AWPP Committee discussed this feedback and recommended shifting the annual grant timeline. The hope is to improve the AWPP experience for applicants by accommodating for:

- 1) A longer and more accessible application period;
- 2) A longer project implementation/installation period during spring and early summer; and
- 3) A more flexible site visit window, which still ensure that applicants are able to claim reimbursement by the end of each fiscal year.

This change is proposed to start in 2023 and will ultimately only delay the application window by 30-60 days its initial year and normalize thereafter. The current and proposed timelines for AWPP grants are shown in the tables below:

CURRENT TIMELINE

January 31	Annual evaluation reports due for past recipients
July 6	General grant application window opens
July 31	General grant applications due
Aug 10	AWPP Committee reviews grant applications
Sept 1	General grant awards announced
Sept - Dec	General grant project implementation period for awardees
Dec – Jan	AWPP Coordinator onsite visits to verify eligibility for reimbursement
Jan – June	Reimbursement period

PROPOSED TIMELINE (Starting 2023)

January 31	Annual evaluation reports due for past recipients
Oct 1 – Nov 30	General grant application window opens
Nov 30	General grant applications due
Dec 1 – 31	Grant Review Committee reviews grant applications
Jan 1	General grant awards announced
Jan – Apr	General grant project implementation period for awardees
Mar – Apr	AWPP Coordinator onsite visits to verify eligibility for reimbursement
May – Jun	Reimbursement period

5. Education and Outreach

The 2021-2023 biennial AWPP budget included \$5,000 in allotted funds for outreach and education. This program provides educational information in the form of webpages, brochures, press releases, interactive handout materials, information tables and occasional public presentations on wildlife conflict prevention. These have included a table and hosted speakers at the OSU Extension Small Farms Conference. AWPP will be represented with a table at OSU Extension’s 2023 Small Farms Conference.

AWPP provides consultation services on the selection and use of non-lethal wildlife deterrents at the request of agricultural operators in Benton County that are anticipating or have experienced conflicts with wildlife. Additional public-focused education and consultation services are provided by Benton County, Oregon State University Extension Service, Chintimini Wildlife Center, and AWPP Program Advisors. The Program Advisors include experts in ranching with wildlife, predator ecology, and human-carnivore conflict. More about the resources AWPP offers can be found at www.co.benton.or.us/awpp.

Outreach Successes in 2022

The AWPP webpage has had significant updates since early 2022 to include more information, data and reference materials for those interested in the program or experiencing predation issues. In 2023, grant application materials and website information will continue to be updated and improved along with the move to Benton County’s new website format.

The AWPP continues to maintain and augment a “Lending Toolbox” to give county residents the opportunity to check out and try non-lethal deterrent devices and materials before purchasing them for themselves, as well as a small “Lending Library” of books on the topic of agricultural coexistence with wildlife. In 2022, we added the national bestseller “Eager: The Surprising, Secret Life of Beavers and Why They Matter” by Ben Goldfarb to our Lending Library.

As additional outreach occurs, the trajectory of annual applications is projected to increase. To encourage a positive experience for all program applicants, the AWPP Committee voted to provide non-successful applicants with one NiteGuard™ solar powered light (estimated value \$26) as a consolation award which will hopefully help to continue dialogue between the AWPP and farmers, and encourage applicants to re-apply in subsequent grant rounds.

Lastly, the Coordinator designed and purchased fifty (50) AWPP yard signs that will be distributed free of charge for program awardees to display. Awardees have noted that neighbors often ask about their new fences or other structures funded by AWPP, and these placards provide a way for passers-by to identify AWPP projects around the County and to learn more. The 50 placards are available for past recipients and should be adequate for several years of grants moving forward. In the future, these yard signs will be offered to grant awardees during the site visit that takes place before reimbursement.



Looking forward, outreach efforts anticipated for 2023 include:

- 1) An AWPP/Environmental Projects booth at the Benton County Fair;
- 2) Hosting a speaker at the Small Farms Conference in February 2024;
- 3) Onsite visits to Corvallis and Philomath Farmers' Markets by the AWPP Coordinator in summer 2023 to inform vendors of the AWPP program; and
- 4) A promotional film about the AWPP to be produced in 2023, funded by a grant through the Animal Welfare Institute.

Additional Funds from USDA

In summer 2022, the AWPP coordinator was notified by USDA Wildlife Services regarding newly-available legislative funds intended for Oregon counties to use for beaver-related conservation, education, and supporting non-lethal co-existence measures. Although the turnaround to apply and receive funds was very brief, Public Works was able to apply and was awarded approximately \$14,000. Specifically, these funds aided in the purchase of a pond leveler kit and expert assistance for future installation as needed; a beaver plush animal to use for tabling events; promotional pencils regarding AWPP beaver-specific public funds; a DJI Mavic 3 small Unmanned Aerial System (sUAS) or small drone, and funding for one Public Works employee to take the FAA sUAS pilot certification exam. The drone is to be used for survey in areas with proposed Public Works projects or existing infrastructure where beaver or other wildlife issues can be proactively planned for, and can

also be used for other environmental projects requiring aerial survey and assessment, including collaboration with other Benton County departments.

The AWPP Coordinator successfully completed the FAA sUAS pilot exam in early February and is in the process of registering the Mavic in preparation of training flights and missions beginning in Spring-Summer 2023. The USDA anticipates having additional funds available in future years and the AWPP looks forward to strengthening this collaboration between USDA and associated partners in non-lethal management of beavers in urban areas, private property and around public infrastructure.

6. Grant Program

2022 Program Results

AWPP grantees are required to keep project records, report conflicts, evaluate their project, and abide by program requirements for three years following the completion of their project.

Reporting compliance seems to be at 50% or less despite strong communication efforts by the AWPP Coordinator. By the January 2024 reporting period, the AWPP Coordinator plans to have online reporting in a simplified, online survey format that should hopefully reduce effort from grantees and increase compliance. Reports are important as they allow for quantitative assessment of the effectiveness and benefits of non-lethal deterrent systems. Without a higher percentage of farms reporting, it is difficult to know whether grant awardees experienced losses over the last reporting period. However, all past grant awardees have been positive about their deterrents and experience and in many cases have referred friends or neighbors to the program.

2022 Awards

Of the \$40,000 allocated for AWPP grants in the 2021-23 biennium, \$39,950 have been utilized or are pending reimbursement for emergency grants, leaving an estimated available biennial balance of \$50.00 at this time which will likely be used for outreach.

To date, no beaver-related AWPP applications have been submitted for 2022, an area where future outreach and education might solicit more public awareness and subsequent applications. Additional recent communications and collaboration with local and state agencies, including local watershed districts, USDA, ODFW and NMFS, should help bolster awareness.

The average property size for 2022 awardees was 8.27 acres, ranging from 1- 24 acres. Notably, all farm operations provided supplemental income. Livestock proposed for protection in 2022 included sheep, goats, cattle, chickens, ducks, geese, turkeys and alpacas. Applicants also farmed fruit and nut trees, beehives, berries and other produce. At least two applicants had farm stands or participated in local farmers' markets.

Table 1. Four Benton County farms completed AWPP-funded projects in 2022.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Livestock Protected	Funded Amount
1	Philomath	5.88	Livestock guardian dogs, fencing, housing	Sheep, goats, cattle, multiple poultry species	\$1,968.07
2	N. Albany	1	Fencing, chicken coop	Chickens	\$3,679.00
3	Corvallis	8.08	Livestock guardian animals, housing, fencing	Sheep, goats, chickens, turkeys	\$4,998.00
6	Philomath	24	Livestock guardian dogs, lights, fencing	Sheep, goats, alpaca	\$5,000.00

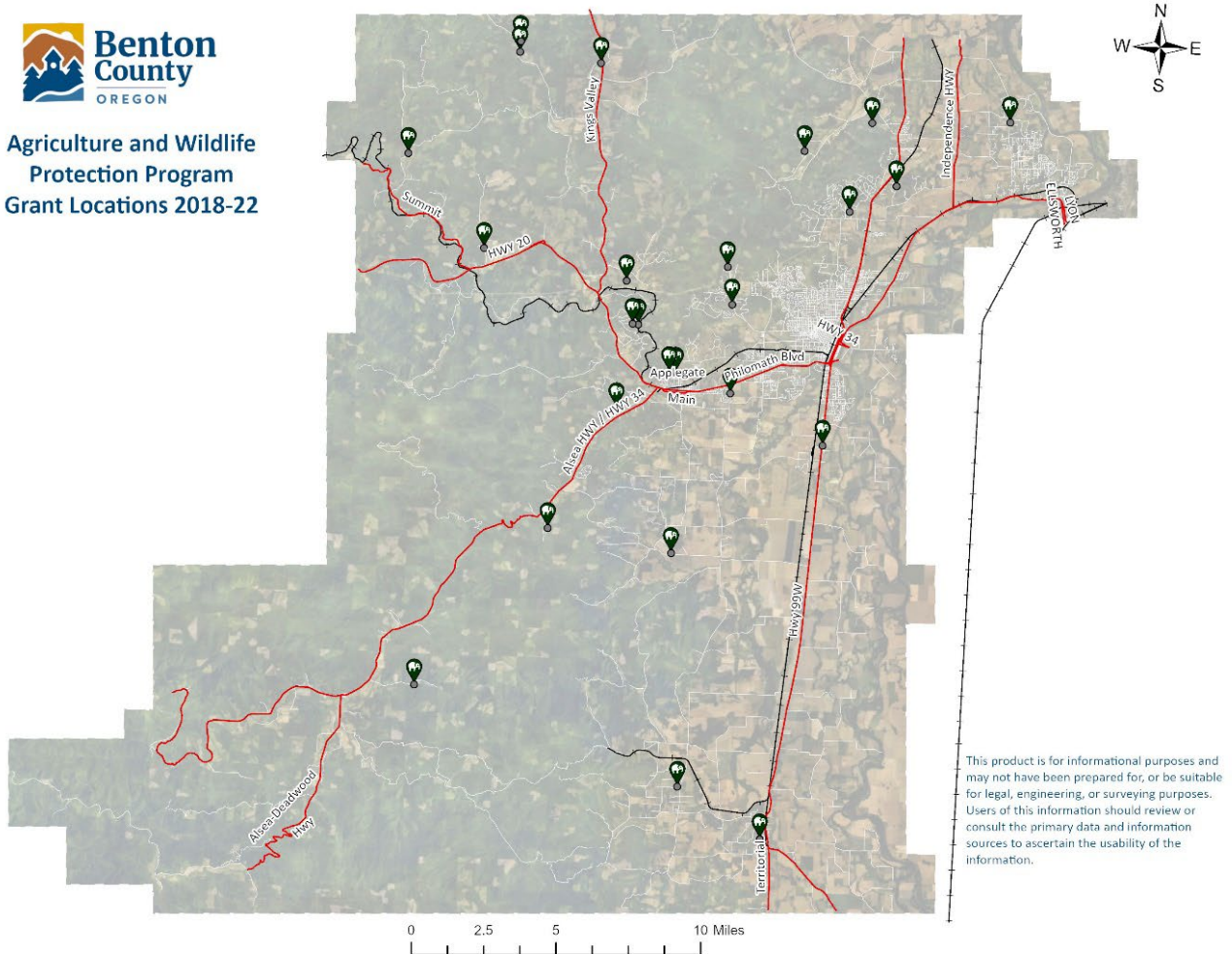
Table 2. Three Benton County farms are working on Emergency non-lethal deterrent projects to be completed by summer 2023.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Livestock Protected	Funded Amount
1	Philomath	24	Fencing, Livestock guardian dogs	Alpacas, goats	\$4,503.00
2	Corvallis	9.5	Chicken coop area fencing, poultry netting, hawk netting, electrified fence	Poultry, ducks	\$469.00
3	Corvallis	1.2	Fencing, hawk netting	Poultry	TBD, up to \$5,000

The map on the following page shows the physical locations of past grant recipients between 2018 and 2022. The operations benefitting from this program are scattered across the County, but you may notice clusters of pins in some locations. This is due to word of mouth between neighbors and operators, which we believe has had the most success out of all the outreach methods. Appendix I is a detailed account of past awards from 2018 to 2021 and Appendix II includes testimonials from the 2022 grant recipients.



**Agriculture and Wildlife
Protection Program
Grant Locations 2018-22**



A map of Benton County AWPP grant recipients, 2018–Present. AWPP projects are across the County and awareness around the program is increasing. In many cases, communication between neighbors has resulted in subsequent applications by adjacent farmers.

7. Resources

7.1 Websites

AWPP Website

<http://www.co.benton.or.us/awpp>

Livestock-Predator Hub

<http://rangelands.ucdavis.edu/predator-hub/current-research/>

Farming with Carnivores Network

<http://farmingwithcarnivoresnetwork.com/animal-husbandry/>

Non-Lethal Solutions to Reduce Conflicts

<https://tinyurl.com/y9eyed3h>

The Encyclopedia of Animal Predators

<https://www.jandohner.com/resources>

Safeguarding Livestock

<http://mountainlion.org/portalprotectlivestock.asp>

Resolving Conflicts with Beaver

<https://www.beaverinstitute.org/>

7.2 Books

- Choe JC. Encyclopedia of animal behavior. Academic Press; 2019 Jan 21.
- Dohner JV. Livestock guardians: Using dogs, donkeys, and llamas to protect your herd. Storey Publishing; 2007 Dec 12.
- Goldfarb B. Eager: the surprising, secret life of beavers and why they matter. Chelsea Green Publishing; 2018.
- Elbroch M. The cougar conundrum: sharing the world with a successful predator. Island Press; 2020 Aug 13.
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7.4 Scientific Journals

- Blejwas, K. M., B. N. Sacks, M. M. Jaeger, and D. R. McCullough. 2002. The effectiveness of selective removal of breeding coyotes in reducing sheep predation. *Journal of Wildlife Management* 66:451-62.
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<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1013&context=icwdmsheepgoat>
- Treves, A., M. Krofel, J. McManus. 2016. Predator control should not be a shot in the dark. *Frontiers in Ecology and the Environment* 14(7): 380–388.
http://faculty.nelson.wisc.edu/treves/pubs/Treves_Krofel_McManus.pdf

Appendix I: Past Award Summary Tables

Table 1. Five Benton County farms completed AWPP-funded projects in 2021.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Protecting	Funded Amount
1	Corvallis	0.5	Fencing	Chickens	\$462.80
2	Alsea	67	Scare devices	Sheep, goats, chickens, ducks, turkeys	\$1053.00
3	Monmouth	13	Bird netting	Fruit trees, blueberries	\$1874.23
4	Philomath	1.1	Tree netting	Fruit tree orchard	\$964.90
5	Philomath	2.75	New fencing	Sheep, chickens, ducks, turkeys, fruit and nut trees	\$5,000

Table 2. Four Benton County farms that completed AWPP-funded projects in 2020.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Protecting	Funded Amount
1	Corvallis	1.17	Coop Extension	Chickens	\$274
2	Philomath	2.75	Electronet Fencing	Chickens	\$638
3	Philomath	3	Electric Fencing and Shed	Goats, Chickens, Bees	\$4,549
4	Philomath	5.46	Motion Lights and Barn	Goats, Pigs	\$4,934

Table 3. Seven Benton County farms completed AWPP-funded projects in 2019.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Protecting	Funded Amount
1	Corvallis	2	Electronet Fencing, Nite Guard Lights, Bird Repellent Tape, Motion Detection Cameras	Chickens	\$1,677
2	Monroe	3.5	Electronet Fencing, Nite Guard Lights, Bird Repellent Tape	Chickens, Orchard, Vegetables	\$560
3	Blodgett	32	Electric Fencing and Calving Shed	Cows, Turkeys, Pigs	\$4,676
4	Philomath	90	Electric Fencing and Foxlights	Goats, Chickens, Turkeys, Pigs	\$5,000
5	Philomath	10.5	Upgraded Fencing and Electric Fencing	Variety of Livestock, Orchard, Grass Crop	\$3,409
6	Corvallis	4.5	Upgraded Fencing, Electric Fencing, Motion Detection Lighting, Pens	Variety of Livestock, Orchard	\$4,810
7	Monroe	5.14	Birthing Barn	Sheep, Chickens, Timber, Orchard, Fruit	\$3,000

Table 4. Six Benton County farms completed AWPP-funded projects in 2018.

Farm	Location	Size (Acres)	Funded Non-lethal Deterrents	Protecting	Funded Amount
1	Corvallis	4	Electronet and Deer Fencing	Sheep, Goats, Crops	\$4,261
2	Philomath	50	Guardian Dogs, Electric Fencing, Foxlights	Chickens, Turkeys, Pigs	\$5,000
3	Philomath	10	Woven Wire Fencing, Enclosed Barn	Goats, Chickens, Bee Hives	\$5,000
4	Alsea	67	Electric Fencing, Nite Guard Lights	Variety of Livestock, Bee Hives	\$2,621
5	Blodgett	52	Electric Fencing, Night Corrals	Goats	\$3,713
6	Philomath	102	Guard Dogs, Electric Fencing, Bird Gard, Birthing Sheds	Sheep ¹ , Hazelnuts	\$4,768

¹ The sheep were sold off in the middle of 2019.

Appendix II: Recipient Feedback about the AWPP

The following testimonies from 2022 annual reports and awards illustrate the experiences that Benton County farmers are having as they implement their AWPP-funded non-lethal deterrents projects:

"I have always tried to use non-lethal deterrents first in any conflicts we've had. This program has allowed us to make some changes on the property to make that choice even easier to do and has even made it possible to have less conflicts overall."

"Using non-lethal deterrents has become standard process anytime we have new chicks or adult chickens added to our flock... I am so grateful that this program exists. Without it, I doubt we would have invested in multiple non-lethal predator deterrents, and without these layers of security, all of our chickens most likely would have been lost."

"We were devastated to lose four goats this year from a cougar. We watched the cougar jump over our old fence easily and walk away. We are so grateful to be able to afford to secure them better this year in our new electric fencing and 18" taller perimeter fence. I don't think our small farm would be able to afford this without this assistance."

"The netting keeps wild birds out so they don't damage the blueberries."

"In past years I've lost all my lambs to predators and chickens to multiple predators. This year I've had zero conflicts with the lambs and only minor conflicts with the poultry."

Appendix III. 'AWPP in a Nutshell'



Agriculture and Wildlife Protection Program

"In a Nutshell"



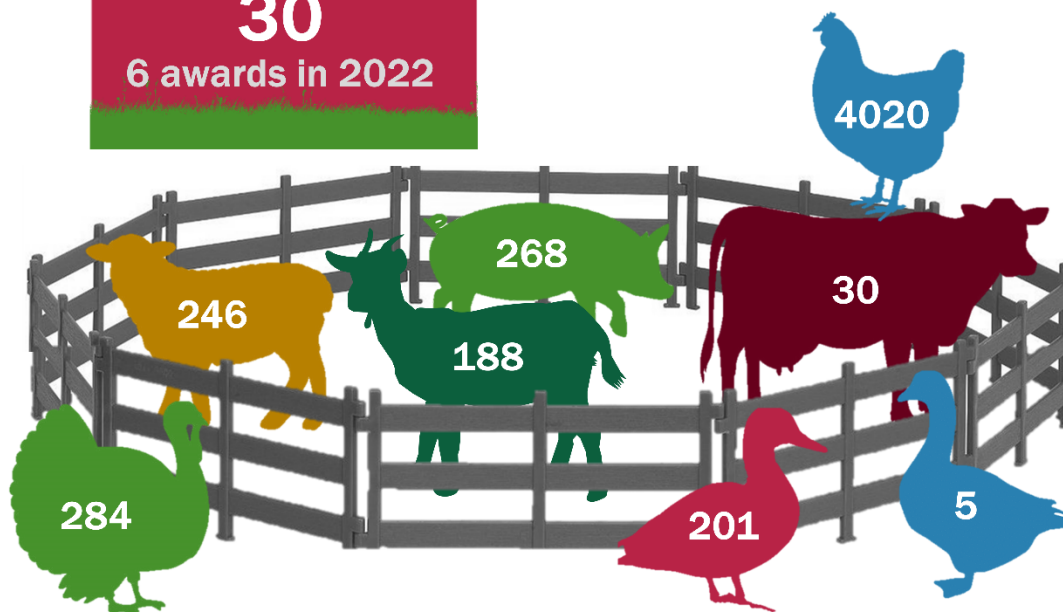
\$91,954 in non-lethal wildlife deterrent grants awarded to Benton County farmers!

Total AWPP Awards since 2017:

30

6 awards in 2022

Average Farm Size:
19.7 acres



4,430 livestock protected...and counting!

Learn more at www.co.benton.or.us/AWPP

Benton County Activity Report January 1 - March 31 2022

Wildlife Services Landon received 6 new calls to report predator damage to livestock, pets and human health and safety in Benton County. This is in addition to the properties that he was already working.

Cougar Calls: Benton County WS responded to calls of Cougars attacking adult sheep 2 were reported missing killed by Cougars. After a site visit was done and Landon was able to investigate the reported sheep being killed the 2-adult sheep were found in and abandon home on the property. No Cougars were taken.

Coyote calls: In Benton County 3 lambs and 3 adult sheep were reported and verified being killed by coyotes.

One adult cow was verified to have been killed by coyotes. It appeared that the cow was having trouble giving birth and was attacked and killed in the process of birthing.

Traps, snares and calling and shooting were used to resolve these issues.

Bobcat call: Wildlife Services received several calls relating to Bobcats killing poultry and domestic waterfowl. One Bobcat was lethally removed, and the issues was resolved.

Landon talks to most of the producers and encourages them to have good fences and the use of guard animals where practical.

Bobcats preying on 48 chickens and 8 ducks 2 geese

Total reported losses to property and livestock \$3372.00 for this period.

It was determined that Landon was having issues with his iPhone, and he may not have received all of the calls that came into him. This issue is now fixed, and he is receiving all in coming calls.

Brian Thomas
USDA APHIS Wildlife services
541-221-7582

Benton County Activity Report April1 – June 30 2022

Wildlife Services Landon received 7 new calls to report predator damage to livestock, pets and human health and safety and property damage in Benton County. Landon also worked with Benton County Road department on a bridge to keep migratory birds from nesting on the bridge prior and while work was being done. This is in addition to the properties that he was already working.

Cougar Calls: Benton County WS responded to calls of Cougars attacking adult Goat where one was reported missing killed by Cougars. After a site visit was done and Landon was able to investigate the reported Goat being killed the 1-adult Goat was found on the property. The Cougar was pursued while tracking hounds and lethally removed.

Coyote calls: In Benton County 5 adult sheep were reported and verified being killed by coyotes. Landon used a mix of Calling and shooting and neck snares to resolve the issues.

Landon responded to a local Blue Berry producer that reported having Coyotes chewing up his drip watering system. Landon assessed the problem and set snares.

Striped Skunks: Landon responded to a producer that was losing chicken eggs to something after Landon did a site visit it was thought that skunks were eating the chicken eggs but after setting a cage trap and not having any luck capturing a skunk, he revisited the problem area and it was determined that California Ground Squirrels were eating the eggs, 3 squirrels were removed.

Bridge work: Landon worked on a bridge removal project in south Benton County where he was responsible for keeping Migratory birds from nesting on the old bridge. Landon used hand tools and paint ball gun to remove all nest as soon as he could to keep the birds from laying eggs. In total Landon removed 185 nests in 20 site visits.

Black Tail Deer pickup:

Total reported losses to property and livestock \$9,316.00 for this period.

Brian Thomas
USDA APHIS Wildlife services
541-221-7582

WT range	Date	Property	FormType	Act
WTs 1 to 4	04/22/22	alsea - bento	d c	FIELD WRK
	06/21/22	alsea - bento	d c	FIELD WRK

WT 1 of 4 by Date (04/22/22)

WorkTask for: Landon Schacht Direct Control <u>Edit</u> Flag? ☐	
Work Date:	04/22/2022 (Entry Date: 05/23/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 2223022351309	FIELD WRK (PERFORMED)
Activity Measurements:	2 HOURS
Conflict & Loss:	<u>DEER, BLACK-TAILED</u> damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead deer at 1273 nw west thorton lake drive
Project:	

WT 2 of 4 by Date (05/05/22)

WorkTask for: Landon Schacht Direct Control <u>Edit</u> Flag? ☐	
Work Date:	05/05/2022 (Entry Date: 05/24/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 2223022351309	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	<u>DEER, BLACK-TAILED</u> damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead deer on nw 53rd street/walnut
Project:	

WorkTask for: Landon Schacht Direct Control <u>Edit</u> <u>Sampling</u> <u>Disposition</u> Flag? ☐	
Work Date:	05/26/2022 (Entry Date: 07/07/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 2223022351309	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	<u>DEER, BLACK-TAILED</u> damage threat of ROADS/BRIDGES
Components & Take/Samples:	Activity Take: <u>1 EA DEER, BLACK-TAILED ROADKILL/FOUND DEAD Int</u> <u>Trgt</u>
Remarks:	picked up dead deer at 1140 nw lester ave
Project:	

WorkTask for: Landon Schacht Direct Control <u>Edit</u> Flag? ☐	
Work Date:	06/21/2022 (Entry Date: 08/09/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 2223022351309	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	<u>DEER, BLACK-TAILED</u> damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead deer on cressent valley 100 yards west of highland
Project:	

Benton County Activity Report July 1 – September 30 2022

Cougar Calls: Benton County WS responded to calls of Cougars attacking adult Sheep. Two adult Ram was killed by a Cougar. The land operator has used non-lethal deterrents such as lights and fencing and other tools as well, but they had 2 different lions kill on to separate nights with 2 lions being removed.

Equipment was placed in the area and one male Cougar was removed and the other was taken by firearm. reported missing killed by Cougars. After a site visit was found on the property. WS responded to 3 other Cougar calls in the County in this quarter. With Cougar killing Goats, Turkeys, and sheep.

Coyote calls: In Benton County we received 4 calls with coyotes hazing livestock 1 call report that sheep had been killed by Coyotes. Landon used a mix of Calling and shooting and neck snares to resolve the issues.

Landon responded to a local Blue Berry producer that reported having Coyotes chewing up his drip watering system. Landon assessed the problem and set snares.

Ground squirrels: Landon responded to a producer that was losing chicken eggs to something after Landon did a site visit it was thought that skunks were eating the chicken eggs but after setting a cage trap and not having any luck capturing a skunk, he revisited the problem area and it was determined that California Ground Squirrels were eating the eggs, 3 squirrels were removed.

Bridge work: Landon worked on a bridge removal project in south Benton County where he was responsible for keeping Migratory birds from nesting on the old bridge. Landon used hand tools and paint ball gun to remove all nest as soon as he could to keep the birds from laying eggs. In total Landon removed 185 nests in 20 site visits.

Black Tail Deer pickup: Landon responded to 4 different deer pick calls 3 of them there was no deer found at the location. 1 deer was picked up and hauled away.

Total reported losses to property and livestock \$6,769.00 for this period.

Brian Thomas
USDA APHIS Wildlife services
541-221-7582

WT range	Date	Property	FormType	Act
WTs 1 to 7	07/17/22	alsea - bento	d c	FIELD WRK
	09/30/22	alsea - bento	d c	FIELD WRK

WT 1 of 7 by Date (07/17/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	07/17/2022 (Entry Date: 08/09/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead deer at 1532 nw scenic
Project:	

WT 2 of 7 by Date (08/02/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	08/02/2022 (Entry Date: 08/23/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT

Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take/Samples:	Activity Take: 1 EA DEER, BLACK-TAILED ROADKILL/FOUND DEAD Int Trgt
Remarks:	picked up dead dear at 3420 willamette street
Project:	

WT 3 of 7 by Date (08/05/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	08/05/2022 (Entry Date: 08/23/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	2 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take/Samples:	Activity Take: 1 EA DEER, BLACK-TAILED ROADKILL/FOUND DEAD Int Trgt
Remarks:	picked up dead dear at 6680 grandveiw

Project:

WT 4 of 7 by Date (08/17/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	08/17/2022 (Entry Date: 08/23/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	2 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead dear at 1450 lester ave
Project:	

WT 5 of 7 by Date (08/22/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	08/22/2022 (Entry Date: 08/23/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)

Activity Measurements:	2 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take:	No Components/Take
Remarks:	couldnt find dead deer at 4228 nw springhill
Project:	

WT 6 of 7 by Date (09/29/22)

WorkTask for: Landon Schacht Direct Control	
Work Date:	09/29/2022 (Entry Date: 11/07/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take/Samples:	Activity Take: 1 EA DEER, BLACK-TAILED ROADKILL/FOUND DEAD Int Trgt
Remarks:	picked up dead deer on fern road
Project:	

WorkTask for: Landon Schacht Direct Control	
Work Date:	09/30/2022 (Entry Date: 11/07/2022)
Agreement:	BENTON CO ROAD DEPT
Property:	ALSEA - BENTON CO ROAD DEPT
Activity: 222302350953	FIELD WRK (PERFORMED)
Activity Measurements:	1 HOURS
Conflict & Loss:	DEER, BLACK-TAILED damage threat of ROADS/BRIDGES
Components & Take/Samples:	Activity Take: 1 EA DEER, BLACK-TAILED ROADKILL/FOUND DEAD Int Trgt
Remarks:	picked up dead deer on oak creek by mile post 3
Project:	

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 04/04/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Health Services

Contact Name * Julie Arena

Phone Extension * 0252

Meeting Attendee Name * Julie Arena, April Holland

Agenda Item Details



Item Title * Letter of Support for Community Outreach, Inc

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☒ Other Letter of Support

Estimated Time * 15 minutes

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement*

☐ Yes

☒ No

Item Issues and Description

Identified Salient Issues *

Benton County has accepted recommendations from its community advisory body, the HOPE Advisory Board, that includes expansion of supportive services to prevent homelessness. COI's work to provide case management for this population aligns with two of the HOPE Board's recommendations that Benton County is working to implement alongside community partners like COI.

Options *

Approve to sign the letter of support as written,

Approve and sign the letter of support with specified edits,

OR

Decline to sign the letter of support.

Fiscal Impact *

☐ Yes
☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☒ Vibrant, Livable Communities
- ☒ Supportive People Resources
- ☒ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☒ Equity for Everyone
- ☒ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

Expanded services that lead to additional permanent housing opportunities, especially for the veteran population, touch nearly every one of the core values of the 2040 Initiative.

Focus Areas and Vision *

Select all that apply.

- ☒ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☒ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

Explain Focus Areas and Vision Selection *

Our community partnership with COI contributes to the safety of our community as a whole and the homeless community in tandem, and this expansion of housing opportunities for veterans will further than work.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations* Benton County Health Dept recommends that the Board approve and sign the proposed letter of support.

Meeting Motions* I move to ...
...approve and sign the Letter of Support for Community Outreach, Inc.'s Good-to-Go program for veterans.

1.

Department Approval

Comments

Signature

April Holland

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace



Board of Commissioners Office

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way
Corvallis, OR 97333

co.benton.or.us

April 4, 2023

U.S. Department of Veterans Affairs
c/o Ty Pos, MA, QMHP
Director of Contracts and Outreach
Community Outreach, Inc.
865 NW Reiman Avenue
Corvallis, Oregon 97330

Re: Community Outreach, Inc., Good 2 Go Veterans Grant

To Whom It May Concern:

Benton County is pleased to provide this letter of support for the Grant and Per Diem (GPD) Case Management Services grant application submitted by Community Outreach, Inc. (COI). Benton County supports COI's application to bring additional resources for case management and supportive services to people experiencing homelessness. Benton County has accepted recommendations from its community advisory body, the Home Opportunity Planning and Equity (HOPE) Advisory Board, that include expansion of supportive services to prevent homelessness. The work done by COI to provide case management for this population aligns with two of the recommendations from the HOPE Advisory Board that Benton County is working to implement alongside community partners like COI.

The Mid-Willamette Valley is located in a very difficult area for veteran support programs. Benton County is between two Veterans Affairs (VA) medical regions and is located in a state with few active military installations. As a result, our veterans, especially homeless veterans, are often overlooked. COI's Good to Go program for veterans is a key provider in filling this gap in Benton, Linn, and Lincoln Counties of Oregon. COI uses a trauma-informed care approach to understand each client's unique background and the underlying causes and consequences of their trauma, and each veteran is paired with a case manager who works with them to understand their unique needs. The Good to Go program uses the Critical Time Intervention approach as the basis for case management services. This evidence-based practice is a time-limited approach that facilitates community integration

and continuity of care by ensuring every individual has positive natural supports during critical transition periods.

COI serves veterans—individual veterans and veterans with families—integrating intensive case management services with a supportive transitional housing environment to stabilize the veteran. Case management services continue as the veteran moves into permanent housing to ensure they will maintain stability. In 2022, 82% of COI's veterans exited to permanent housing. COI has been providing for the basic needs of homeless individuals and families since 1971 and has maintained the GPD program for more than 10 years. Additionally, COI has one of the highest success rates for placing veterans in permanent housing in the Northwest region of the nationwide Veterans Integrated Services Networks (VISN 20).

COI is dedicated to working closely with the VA to provide case management services to veterans in the Mid-Willamette Valley. It is our pleasure to offer this letter of support on behalf of COI's Good to Go program.

Sincerely,
BENTON COUNTY BOARD OF COMMISSIONERS



Pat Malone
Chair



Xanthippe Augerot
Vice Chair



Nancy Wyse
Commissioner



Board of Commissioners Office

Office: (541) 766-6800

Fax: (541) 766-6893

4500 SW Research Way
Corvallis, OR 97333

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April 4, 2023

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c/o Ty Pos, MA, QMHP
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Sincerely,
BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone
Chair

Xanthippe Augerot
Vice Chair

Nancy Wyse
Commissioner

Letter from Chris Furney, Alsea resident, submitted as Public Comment at the April 4, 2023 Benton County Board of Commissioners meeting.

Hi!

I need to complain about the way my property rights are being treated in Alsea. I've been to more than one lawyer about it, and a couple of politicians, and the consensus seems to be that I should get in touch with Commissioners. I understand what a chain of command is, but in this case that chain is broken.

Two feet of my property at 145 S First St in Alsea, directly south of the Post Office, has been overhung by the triplex next door. The owner, John Hutton, refuses to remove his scabbed on eve so that I can use all of my driveway. This is at a real choke point, making it especially important. I have in no way allowed Hutton the use of my property. There have been correspondence and court cases about it for more than 20 years since I've owned my Alsea house.

Benton County maps show the same thing as the ground. These properties have been surveyed since I bought mine at least three times. I hold a judgement lien against Hutton from the surveying charges His Honor ordered Hutton to pay, and he never has. Hutton has been convicted twice for assaulting both me and my things. Once, he literally tried to beat an easement out of me with a golf club, damaging my left hand so that it required months of physical therapy and more than a year to heal completely. There have been dozens of other incidents and police contacts. If this had been taken care of by Benton County, there never would have been anything to fight about. I only want what's mine.

The two foot strip of my property that Hutton occupies, at \$22.50 per square foot, is worth some \$1500 dollars. The area that Hutton has usurped from the gravel street and the Deadwood Highway boundary is far larger. The way that Hutton has dug out the highway bar ditch and extended his floor out into the area, and the constant parking of older cars above this, puts the triplex, and possibly still my own home, directly in the path of a gasoline explosion. We've been having problems with people siphoning fuel a lot lately in Alsea. All that has to happen is the thieves punch a hole in one of his gas tanks that's parked barely off the highway, take what they want, and let the remainder run out on the ground. This is common practice. Please be reminded that one pint of gasoline equals the power of one stick of dynamite.

I hold a \$110 building permit to "demolish" 11 boards that hold up my fence along the contested strip. It was purchased with the understanding that Hutton's eve would be removed before I started work. "Site Prep" is always the first item in a construction job. Years later, the overhang remains. Hutton's property was originally built with the eaves "at" the property lines. The overhangs have obviously been scabbed on after.

The area that I live in, south of the post office, was re-zoned to "Village Residential" in 2005. Alsea's septic system is antiquated and overtaxed, being some 40% too small to handle flows, based on data from 2020. All the while, the rental businesses in this area continue to add more dwelling units. Sure, the rules can bend, but multiple whole dwelling units without a building permit or SDC fees? I've worked building and remodeling houses all over Oregon and the western US for more than 45 years, and I never heard of such a thing. Try doing that in Eugene. As an example, two of the doors on the triplex open directly out onto a 25 mph street. The doors themselves are slightly on the public property. There is always at least a two foot wide pile of debris and firewood on public property, against the same wall. This cramps the traffic to the post office quite a bit.

We in Alsea are spending some \$8m on our school in order to make Alsea a good place to live, and to attract more families with children to live here. But 400 yards away, not one but both of the worst slums in the area are allowed to get worse, while the profit goes into the greedy landlord's pocket. In my case, this profit is taken from a senior citizen and a disabled vet, while I pay noticeably extra to make Alsea a nice place. I don't have children, but a lot of my friends and neighbors do. And that's who we're trying to attract, good taxpaying people with children, not people who live in ratty RV's or derelict triplexes. I paid

hard for my rights in my military service in the Oregon National Guard, and I'd like my property rights restored, please.

I want the scabbed on overhanging eve removed from the east side of Hutton's property at 157 S First St, back to where it was originally built.

Thank You for your time. Please contact me by any means if there is anything that I can do to further this or other matters.

Chris Furney
145 S First St
Alsea, OR 97324
541-487-7224
chrisfurney@yahoo.com